LEGISLATIVE BUSINESS.

The Travancore Child Marriage Restraint Bill.

Mr. Kottur Kunjukrishna Pillai (*Quilon* cum *Kunnattur*) : Sir, I move that the Travancore Child Marriage Restraint Bill as passed by the Travancore Sri Mulam Assembly be taken into consideration.

Mr. James Fletcher (*Kalkulam and Vilavankod* cum *Neyyattinkara*) : Sir, I second the motion.

Mr. V. Subba Aiyar (*Nominated for the purpose of the Child Marriage Restraint Bill*) : Sir, I beg to oppose the motion. Before I state my grounds, I thank the Government for having nominated me for the purpose of this Bill. I think I owe an explanation to this House as to why Government have nominated an old person like myself whose memory is failing and whose brain is becoming less active.

President : The honourable member hardly does himself justice.

Mr. V. Subba Aiyar : I am the person aggrieved, Sir.

When the Select Committee of the Sri Mulam Assembly sent up its report, a meeting of the Brahmins at Trivandrum was held and I unfortunately happened to be the president at that meeting. There I stated my view that there was no necessity for a Bill of this kind in Travancore. That statement of mine evidently influenced them to suggest to Government that I should be co-opted as a member of this House. I declined, but to pacify me they suggested that Mr. N. Subramonia Aiyar who is much younger and more vigorous would also be co-opted. I wish he were here instead of myself.

Mr. Kottur Kunjukrishna Pillai : I rise to a point of order, whether all the circumstances that led to his being co-opted as a member of this House can be adverted to when opposing a motion for the consideration of the Bill.

President : I take it that they are introductory remarks.

Mr. V. Subba Aiyar : Yes, Sir. I thought Mr. Subramonia Aiyar would be here to fight out the matter ; but Government thought that one member would do, and therefore I have no one to help me.

To come to the matter on hand. I must say that the learned mover of the Bill in the Lower House was evidently very much interested in seeing that the position of women in the State is considerably improved and therefore was impelled to do her best in that direction. With reference to that I beg to submit that I am not in the least averse to any such measure. I know Srimati Narayani Amma, as the wife of an intimate friend of mine, who has

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come to me to take advice on matters such as the "Widow Remarriage Bill." I have given the needed advice. Similarly it must be taken that I am prepared to help her in any necessary piece of legislation. The reform, such as it is, must be beneficial to the State and must be necessarily in the interest of the State. Without that, I beg to submit, no legislation is necessary. Therefore I promised by saying that I am not in the least against any reform being made in regard to women. But, on the other hand so far as this piece of legislation is concerned, my humble suggestion and view is that when a legislation has to be passed by the legislature, there must be a proved necessity,that is to say, a proved evil to be remedied against; or there should be a demand, for such legislation, by the people affected. Either the one or the other may be enough; but in this case, there is neither the one nor the other. Therefore my point is that no necessity has arisen for a legislation of this kind. In the words of the mover, it is intended to adopt the conditions obtaining somewhere else, not in British India or other States which are not so advanced, but in other countries. The second object seems to be that in the interests of the future generation such a Bill is necessary. Thirdly, the matter has to be prevented on other grounds also. I shall deal with these one by one.

Before I go into these matters I may say that this Bill seems to have been adopted from the measure passed in British India. In British India the conditions are totally different, calling upon the legislature there to pass such a measure. From the figures available to me I find that in the whole of India as per census of 1921 there were 218,453 marriages between the ages 1 and 5 and of these, 15139 married women became widows. Between the ages of 5 and 10 2,016,607 were married of whom 2,79,124 became widows. In British India, therefore, the condition was very appalling and there was the necessity for such a legislation. Going to particular provinces in British India, we find in Bombay that between the ages of 1 and 2 years, there were 1,671 marriages, between 2 and 3 years, 4,378, between 3 and 4 years 7,219, between 4 and 5 years 12,834 and between 5 and 10 years 193,582. From these figures it would appear that girls began to be married between the years 1 and 2, long before they had anything to do with the world. Therefore, in that province and other provinces similarly situated there was a necessity. In Guzerat I understand that there was a system of mass marriage, something like the old *Thaliketu* ceremony in Travancore when some girls in a particular family or tarwad were married. Other people also were allowed to undergo that ceremony simultaneously in the same pandal. In Guzerat what happened was that there was a marriage season when many girls were married whether they were of marriageable age or not. Otherwise, they will have to

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remain unmarried till the coming of the next marriage season; so much so, girls between 3 and 4 years were married; and if they miss one season, they might have to wait for another 12 years. In Bengal also child marriage was prevalent. In the United Provinces I find that out of 18,633 girls married below 5, 12,233 became widows; out of 306,618 girls married between 5 and 10, 12,223 became widowed. The same is the case with the Central Provinces and other provinces for which details are unnecessary to be cited. But it may be stated that in Bihar and Orissa 19 persons were married below 5 years and 154 per mille between 5 and 10. Thus from the statistics for those places we find that it was absolutely necessary that there should be such a legislation so far as British India was concerned, because marriages took place under 5 years even between the years of one and two, the earliest possible period of one's life. It is fortunate that there was no marriage when the children were in the womb. Such a condition does not exist in Travancore.

Now the mover of the Bill herself has admitted in the statement of objects and reasons that child marriage is not a very serious evil in Travancore, the number of girls getting married up to the age of 15 being fewer in the State than in other parts of India. In her speech introducing the Bill she said "while I admit that conditions in Travancore with respect to child marriage are better than in British India they are still bad enough." Hence I will plead before the House that she is not to be supported on that ground.

I may read for the information of the House the following extracts from the Census Report, Volume I, (page 187).

> "In the age period 0-5, there is none married in Travancore, whereas in India six males and twelve females per thousand are married. In the next period 5-10, only one in 1,000 boys and eight in 1,000 girls are married in Travancore against 34 boys and 93 girls in India. It is noteworthy that out of eight girls in 1,000 that are married in Travancore, Hindus and Muslims have the smallest number, viz., seven in 1,000, while the Christians have nine; but the insignificance of the problem of child marriage in this State will be brought out more clearly by the actual figures. Out of a total population of over 2½ million females, of whom over a million are married, there are only 2,484 married girls at the age-period 5-10. Of these, the Hindus number 1,362, Christians 942, Muslims 177 and primitive tribes 3. Of the Hindus, the highest proportions are found among the Brahmins and the Kudumis, among whom pre-puberty marriage of girls is compulsory. The point that deserves special mention is that the Christians show a higher proportion of married girls between the ages of 5 to 10 than the Hindus taken as a whole, though the proportion is naturally lower than that of the castes like the Brahmins and the Kudumis who are bound to marry their girls before they attain puberty".....

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In paragraph 237, the Census Commissioner says.—

"The conclusions to which the figures discussed above lead are that child marriage is much rarer in Travancore than in India, that comparatively it is more common among the primitive tribes than among the civilized communities, that of the latter the Christians are, more addicted to the practice than the Muslims or the Hindus, and that it is least prevalent among the Hindus taken as a whole. Of the different castes of the Hindus, the few among whom pre-puberty marriage of girls is compulsory, no doubt marry a larger proportion of their children; but they form such a small percentage of the total Hindu population that *their practice does not materially affect the general position.*" (Italics mine.)

"It is interesting to know that child marriage is decreasing from census to census".

At para 241, the report continues :

'The Sarda Act of British India prescribing the age limit for the marriage of girls at 14 and for boys at 18 is not in force in Travancore. There is no general demand from the people as yet for the enactment of a similar law in this State nor does there seem to be any urgent necessity for it. We have seen that child marriage is far less common in this State than in India and that it is declining with the spread of education."

So that then, from the Census Report it will be found that child marriages are not as common here as in British India. Then, there is no demand for the legislation, or any necessity for the same. I say this because, in a matter of this kind, legislation is not the proper method. The evil, if any, should be left to the free volition of individual persons to be removed ; it must be left to the people to remedy. As I have said at the outset, I am not against social reform at all. Nor am I against this particular reform. It must be done by the people themselves, not certainly by the compulsory process of legislation. It is that difference that I want to impress on the House, namely, that such a reform should be left to the individual persons concerned. Therefore I say legislation is not desirable in this matter. I myself can testify that my daughters were married at the age of 11 and 12 whereas my grand daughters were married at ages before and after 14. So that then, I say, I am not against that reform. But all that I say here and now is that that reform must come from the people themselves through education, through propaganda and other allied things ; and even that is not necessary for Travancore, because I find that from statistics that the Brahmins and the Kudumis are the only persons among whom pre-puberty marriage of girls is compulsory. On a reference to the figures given in the second volume of the Census Report the facts would be clear. My remarks particularly would apply to Brahmins among whom alone pre-puberty marriage exists. In the

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second volume of the Census Report, page 42, there is one portion. It is said that there are 26,908 females and about 27,000 males among Brahmins in the State. Altogether there are about 50,000 Brahmins out of which, at and before the age of 6, there is absolutely no marriage anywhere in Travancore. Between the ages of 7 to 13, 3 marriages have taken place. Even of these we do not know how many were married at 12 or 13. That, I beg to state, is too small a number to require any legislation for that purpose. Therefore, as far as that matter is concerned, there is no necessity for any legislation, nor do I see the demand for it.

Then it may be said "If people themselves have marriages performed at 13 or 14 what is the serious objection to the Bill?" This aspect of the question is foreign to the point. Legislation in a particular state is an index of the culture, of civilization, of education in the State. Admittedly we are all proud of the high level of education in this State. Therefore, when people themselves have begun to adopt higher ages for marriages—when there is not a single instance of marriage below the age of 6 and very few between the ages of 7 and 13, I dare say, my friends on the other side will not insist on legislation being thrust upon us.

Next, it may be suggested that medically, child marriages may affect children. That again Sir, is begging the question. Are there materials to say that the health of the girls has been vitally affected? I have given the figures of marriages from the age of 1 to 13, and we have found that there are only very few cases. That being the case, there is nothing to show that a girl married before 14, conceived a child before 14 and brought forth an unhealthy child. The point is, she might have conceived and brought forth a child after 14. The question then is, will it be objectionable to a girl married at 12 or 13 or say even at 14, to conceive a child? In my opinion it is not a case where it is necessary to legislate simply because the children of some conceived after 14 may not be healthier. Anyhow that is not the point. There is nothing to show that any girl married before 14, conceived and brought forth a child not quite healthy. Unless therefore there are materials to justify the inference I boldly say there is no necessity for any legislation in that behalf. The health of the mother is not at all the exact point. It may be said that a healthier child may be due to the girl having conceived at a particular age. It is not the age of the girl at the time of marriage that is important. It all depends on the nourishment, the condition in which the girl has been brought up and so forth. Such a girl will have a healthier child than a sickly, economically destitute girl married at the age of 15 or 16. The healthiness of a child depends on the nourishment of the mother irrespective of the age, the condition in which the child is born, and the way the mother has been brought up.

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There is one other thing which so far as my experience goes has to be noted in this connection. On account of the health of the mother, on account of the frequency of conception and delivery almost once every year, the mother becomes subject to various diseases; so also the child.

So, it does not depend upon the age of the mother; it depends upon certain other conditions; I believe, upon the tradition and practice of the family. It depends upon the circumstances of a particular family. From all these things we can see that the health of the mother does not depend upon the age of the marriage but on ever so many other things as for instance, the economic condition of the family. Therefore such a legislation is not necessary. Even on the question of health, doctors are not unanimous in their opinion. There are ever so many doctors who say that Hindu early marriage is the best for the health of the child. No doubt, there are others opposed to this view. When medical science is changing from day to day, there is no guarantee that one set of medical men must be preferred to another set. I may cite an instance. In Burma where there is no child marriage infantile mortality is greater than in any province in India. So, infantile mortality does not depend upon child marriage. Therefore, I would not advocate any legislation for this.

Then again, the ultimate point upon which Sry. Narayani Amma relied upon in introducing this Bill is this She says —

> "In matters like the evil of child marriages, we have to compare conditions in Travancore not with what they are in less advanced States and Provinces in British India, but what they are in more advanced and more progressive countries."

Whatever I may agree to so far as Sri. Narayani Amma's Bill is concerned, I strongly object to that observation, *viz.*, that we may imitate foreign countries with a view to changing conditions here. So evidently, she has not read any legal report or other proceedings in connection with the subject in various parts of Europe and other countries. I may state that the Upper House is always there to check the eccentricities and excesses of the Lower House. I may be accused of using the term 'excesses'. The question is this, when there is no sufficient necessity for the present Bill, why encumber the Statute Book with it? The conditions in Europe, America and other places speak for themselves about the undesirability of passing such a piece of legislation.

Above all, there is such a thing as climate. It is common knowledge that a girl attains maturity at about 13 in the tropics, much earlier than in cooler countries. Sex impulse is greater in

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tropical countries than in cold countries. I do not want to quote any statistics in support of the statement. Everybody knows it. The habits, manners and customs of foreign countries are not to be imitated in this respect. Various books have been written up in the subject by eminent persons and I do not wish to refer to them. Indian ladies however much educated have not as yet begun to move freely in society. Our women, whatever may be their position, will not move freely with a stranger. They are still reserved. Then why import the foreign customs here? Further, as Mr. M. K. Acharya remarked in the Central Assembly, marriage is a sacrament and it ought not to be a matter to be settled after the ecstacies of a ball room or the ethics of a divorce court. In other words, when girls are married at the age of 13, the parent or other guardian is the best person to look after their interests. According to us, pre-puberty age is 13. I do not say that there are no marriages of girls who have passed the age of 14; but that cannot be helped. Such marriages also take place. But all the same, it is a sacrament.

Lastly I may read a passage. I take the responsibility for what is contained therein and I adopt it as my argument.

Mr. M. Govindan (*Nominated*): Sir, can a written argument be read here?

President: Honourable members are entitled to refresh their memory from written notes from which arguments can be developed.

Mr. V. Subba Aiyar: Although when I was a member of the House, not of this House, about 12 years ago, I did not refer even to notes in connection with Legislative Enactments, nor even as Deputy President now I sometimes.....

President: I do not think the honourable member need explain his position. We can fully realise it. The honourable member will proceed.

Mr. V. Subba Aiyar: A gentleman like Mr. Satyamurti says like this:—

> "I am not one of those who opine that secular legislatures shall undertake no social legislation. But I do claim that secular legislatures must walk very warily in respect of social legislation. Legislation opposed to the deepest religious and social feelings of the people is bound to prove *brutum fulmen*. Moreover, it will seriously affect the prestige of the legislature. From that point of view, any legislation which compels people to commit what they sincerely and on reasonable grounds believe to be a gross sin will be resented throughout the country, and will in practice be disobeyed until the law is laughed out of the statute book. I maintain that South Indian Brahmins, for whom alone I speak in this article, have reasonable grounds to, and do sincerely believe according to the Parasara Smrithi which is the supreme authority

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for the Kali Yuga for them, that they must marry their girls on their attaining their twelfth year, and that otherwise they commit a very heinous sin. I then ask what moral or other right any secular legislature has to tell these people that they must choose between committing a sin and going to Jail. This is an intolerable dilemma, which no responsible legislature ought to place before any section of the people for whom it professes to legislate. The cheap sneer that Brahmins generally do not observe the injunctions of Parasara nowadays is no answer. Can a legislature tell those who want to observe their religious injunctions, that they shall not observe them, except on pain of going to prison?"

I beg to state that so for as this legislation is concerned, some other legislation must have precedence. In every country, the age of consent is always higher than the age of marriage.

Although under this Bill, a man may not marry a girl before the age of 14, he may have consummation before that. Still he may not commit rape because, even now, under the Penal Code it is not rape to have sexual intercourse with a girl under 14. There is that anomaly now.

President: I do not know whether that is a very relevant argument.

Mr. V. Subba Aiyar: It may not be, Sir, but I want to bring to the notice of this House that anomaly between the provision in the Bill and the provision in the Penal Code. But the age of consent can be raised. Because in these days, every average man may be presumed to have sufficient self-restraint not to interfere with the rules of marriage. If you take the Brahmins as they are, even after the betrothal, there have been no cases of pre-puberty unions. So much so, they pay greater attention to the age of consent. So far as the south Indian Brahmins are concerned, this is particularly the case with them. This is referred to in the Age of Consent Committee Report. But the age of consummation is not announced. That may be due to the fact that consummation would only take place after the age of 14. What I say is that, in the case of Brahmins, consummation is effected only after the age of 14. If that is so, nobody will be aggrieved, and there is no need to fix the age for marriage. If the betrothal takes place before 13, consummation may take place after 14 or even 15. An young man may marry a girl before 13 and may go for higher studies to England or some other place and come back when the girl is above 14, and then he may effect consummation. Here we do not find anything improper or harmful to the young man or to the girl. What we want to do is to make provisions to see that consummation takes place only later. If consummation results in pregnancy that cannot be hidden, so that

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there will be no difficulty of establishing a prosecution. Hindu marriage is an ideal form of marriage. If it is absolutely necessary, suitable provision may be made to have the age of consummation fixed at 16 or 18 without interfering with the age of marriage. With regard to the boys, the age of marriage can be made 18; and with regard to the girls, it does not require any legislation. I have so far met the arguments of Sry. Narayani Amma. Mr. Kunjukrishna Pillai has not advanced any argument, and he is not entitled to.....

President: The honourable member need not bother about it. His arguments are fairly well known by this time.

Mr. V. Subba Aiyar: Sir, with these words I oppose the motion.

Mr. G. Narayana Aiyar (*Parur, Kunnatnad and Muvattupuzha* cum *Devicolam*): Sir, I also oppose the motion. After the instructive, exhaustive and able speech delivered by my honourable and learned friend who preceded me there is very little left for me to say against this motion. Any how, I shall make one or two observations as briefly as possible. The grounds alleged by the mover for bringing forward a Bill of this kind is stated in the statement of objects and reasons like this: "To prevent the serious social evil which tends to undermine the health and vigour of the future generation".

Marriage, as understood by certain communities especially the Brahmin community does not include consummation or nuptials. So far as the Brahmin community is concerned, the marriage is only a betrothal settling the parties to it once for all as husband and wife and making their relationship irrevocable. It is a religious sacrament and not a contract which could be put an end to by both or either of the parties as is the case with some of the other communities. The only community that will be affected by this Bill is the Brahmin community excepting of course the Nambudiries who follow a totally different system so far as marriage is concerned. Sir, we have to respect the religious sentiments of all communities even though it is not possible to explain the same. No community has any right to dictate to other communities to follow a different line of conduct opposed to their religious sentiments. And so far as Travancore is concerned, our State is famous for its religious toleration and respect for the religious sentiments of the people. So, whenever a legislation is being introduced which would affect the religious sentiments of a particular community however small its strength may be, I submit that the opinion of that community should be the guiding factor in passing or not passing that piece of legislation. It should also be seen whether any demand for such a legislation has been made by that community. In short, it should

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be done with the consent of the community affected. I make bold to state not only there was no demand from that community for such a piece of legislation but there was very strong protest against it on sentimental as well as religious grounds. So far as the Brahmin community is concerned, their total strength as per the census report of 1931 is only 68,700. Out of this there are 848, Malayali Brahmins and 5450 Potti Brahmins.

Mr. Kochikal P. Balakrishnan Tampi(*Karunagapally*): *Kartikapally and Ambalapuzha* cum *Shertalai*): May I know whether Parasara's smrithies do not apply to the Malayali Brahmins?

Mr. G. Narayana Aiyar: Not exactly. They have modified it by custom. Deducting these two communities in which prepuberty marriage is prevalent there are only thirty seven thousand and odd persons in the Brahmin community and all of them object to this piece of legislation. They form only ·75 per cent. of the total population. The smallness of the community is not the test in such matters. As has been observed by the learned speaker who spoke before, I ask, Sir, was there any demand from any member from this community for a social legislation of this kind? And I ask again, was there not sufficient protest from them against it? In this connection, I may be permitted to submit that there are only about 28 Samoohams in this State and all the Samoohams have entered emphatic protests and opposition to this legislation. They have submitted their protests and opposition to the Government, have sent in memorials and resolutions objecting to this piece of legislation which affects them very seriously in practice as well as on principle.

Mr. Kochikal P. Balakrishnan Tampi: Will there not be fractional points in each of the Samoohams in favour of this Bill?

Mr. G. Narayana Aiyar: No Sir, so far as I am aware of. It is not possible to ascertain the views of each and every member of the community. We have full belief in our religious tenets. Everybody has got respect for his religious sentiments.

It may not be out of place in this connection to quote a few authoritative texts binding upon us as regards the object of marriage, the time of marriage, effects of the non-observance of texts and marrying girls after they attain puberty.

The object of marriage is thus described:

"ഭാര്യാം പൂർവ്വൈരാം, ഭാര്യാമാപേരേകാം, ആരമന്ത്രേ,
ഫ്ളകവിംശതികേ, ഉത്താരണാഭാര, നിത്യനിരക്രിയ ആനന്ദ
ത്രാശ്രമ ത്രൈമേധിക അവാപ്തപ്രത്ന്യം, ത്രൈമേനവിധിനാ
കന്യകരാമാവ്യം മഹാഭാന്തം"

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Latest period of marriage of girls

"യാപന്നമജ്ജിതാംധാനി, കന്യാപുരുഷസന്നിധൌ

.....താപത് കന്യാം വിവാഹയേൽ"

Effects of marriage after puberty.

"കന്യാം ഭജൻ ബ്രഹ്മലോകം ഭൌർ വസ്തുരജസ്വല"

"മാതാരചയ്വ പിതാരചയ്വജ്യേഷ്ഠതോഭ്രാതരഥോചഃ

"ത്രയസ്തേ നരകം യാന്തി ദൃഷ്ടാകന്യാം രജസ്വല"

The idea involved in this *Kanyaka Danam* is not the satisfaction of sexual pleasures but it is for the elevation of the past, present as well as the future generation and for reaching the eternal *Brahma lokam*. When marriages are performed these high ideals are kept in view. When marriages are performed with such high ideals is it just to prohibit such marriages and ask the community to perform it according to the wish of the majority in the land? Sir, I ask, is it a fair behaviour towards minority communities? In this connection I would bring to the notice of this House that the so called democracy for which there is agitation can never be a success so long as the wishes and requests of the minority are disregarded and flouted. Here is a majority community dictating to the minority community that the minority community should abide by the command of the majority community.

Again, the mover of the Bill says that child marriage will undermine the health and vigour of future generations. By raising the age of consummation as my learned friend has said, health and vigour may be safe-guarded. According to *smrithies* the latest age, fixed for marrying girls, if it was not possible to marry them earlier at 8 or 9, is the period when girls feel shy to appear before males *i. e.*, their 12th year. The Bill goes farther and directs that marriage should not be conducted before girls have completed their 14th year. As for those who do not act up to the *smrithies* in the matter of marriage of girls, the punishment laid down in the authoritative text cited above is നരകപ്രാപ്തി. In the face of these mandates, to legislate against these provisions is unauthorised. The Bill is uncalled for, opposed to sacred texts of Sanathana Dharma and subversive of beliefs, customs and usages of the Brahmin community whom it vitally affects. Passing this Bill in the teeth of opposition is unjustifiable.

There are many young men and girls in other communities nowadays who continue to remain unmarried, and they are a source of much trouble to society and if a legislation is passed that every male should get married before completing 25, that would save a good number of young girls who find it difficult to get married. Very aged persons marrying young girls may also be prohibited by legislation. Those are the matters in which one would like the champions of women's rights to bring forward legislative enactments.

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I would invite the attention of the House to another important feature in the communities in which pre-puberty marriage is observed. Practically all the girls in such communities get married and have their husbands ready to look after them, and to maintain them as soon as they attain puberty where as in communities where marriages are conducted after puberty, we find a number of grown up young girls remaining unmarried and waiting indefinitely for marriage. They are a source of much anxiety to parents.

As has been pointed out by my predecessor, our climatic condition is such that girls here attain puberty between 12 and 13; naturally they then get the instinct for sex. Some may be able to withstand it; others may not be able. It is the duty of the head of every family to see that the girls in the family are properly married and at the proper time without leaving the choice to girls. Unless that is done, there is the very great danger of some girls being misled.

Sir, there is also the other anomaly referred to by my learned predecessor. Section 375 of the Travancore Penal Code says that if a man commits sexual intercourse with a girl who has not completed 12, with or without her consent, it would be rape; in other words, it is no offence for a man to have sexual intercourse with a girl who has completed 12. For sexual intercourse the girl need not be past 14 but for marriage she must be past 14.

Mr. Kochikal P. Balakrishnan Tampi: May I ask whether that provision in the Penal Code has not been amended?

Mr. G. Narayana Aiyar: It was originally fixed at 10; it was after the amendment that the age of consent was raised to 12.

What I am submitting therefore is that, reading this Bill together with the provision in the Penal Code, the position would be that while you prohibit legal marriages, before the girl completes 14, you encourage concubinage before she is 14. That is one anomaly which I want to point out to the House, in case the Bill is passed as it is.

Then, Sir, the proper remedy for the evils which the mover apprehends exist in Travancore also, would be to raise the age of consent; that would not affect or wound the religious susceptibilities of this section of the people who object to this Bill.

Another point raised by the mover is that the vigour of the future generation would be affected by child marriage. Sir, where is the guarantee that child marriage would always end in child-motherhood, or that later motherhood would not affect the health of the mother injuriously? Has the mover any scheme in view which

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would guarantee the vigour of the girl married after 14? As I said, the fact that a girl is married before she is 14, does not always mean that she will become a mother as soon as she completes 14, or earlier. I could have very well appreciated any practical scheme from the mover which would permanently improve the health of our womanhood.

So, viewing the position as a whole, this enactment is not needed and cannot cure the ills contemplated by the mover. Therefore, I would earnestly appeal to the House to respect the religious sentiments of a minority community and not to trench upon their family life and family conduct, especially when there is no serious social evil involved. The so-called exemption provided in the Bill is a discretionary one and may depend upon the mentality of the officer for the time being who has to sanction the exemption and various other considerations. If such officer happens to be unsympathetic or has no belief in religious rites, exemption may in certain cases be disallowed and that is risky. I would therefore oppose the motion.

Mr. M. Govindan: I support the principle of the Bill. In doing so, I feel that I have to make reference to the speeches made by my friends who belong to the communities which will be directly affected by the Bill.

Sir, their point, as I understood it, is that marriage among them is a sacrament and that therefore any change or alteration made by the Legislature in regard to marriage will prejudicially affect the solemnity of the marriage. May I ask my friends whether when infants are married and *manthrams* are chanted—manthrams such as मम हृदये ते हृदयं, 'Our hearts shall be one', the infants would be able to know the significance of the manthrams they utter? It is clear that the whole sanctity of the ceremony would be lost and it would be reduced to a mere farce, so far as child marriages are concerned.

Mr. M. K. Ananthasiva Aiyar: Are there not people aged 50 who are not able to understand manthrams?

Mr. M. Govindan: That is quite possible.

President: Even at the age of 60 or more, if a person does not know Sanskrit, he cannot understand any manthram.

Mr. M. Govindan: My point is that a boy of twelve, even if he knows Sanskrit, can understand manthrams.

President: There are some vedic manthrams which even Sanskrit scholars find difficult to understand.

Mr. M. Govindan: मम हृदये ते हृदयं, Such simple Sanskrit, anybody who knows Sanskrit can understand,

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Mr. G. Narayana Aiyar : May I point out to my honourable friend that what he has just now quoted does not form part of the marriage manthrams?

Mr. M. Govindan : I am quoting from marriage manthram.

Mr. G. Narayana Aiyar : What is his authority to show that?

Mr. M. Govindan : I am quoting Vachaspathi.

President : The passage is from Valsyayana and relates to one of the methods by which Brahmin marriages are performed. The manthram quoted is used by certain classes of Brahmins.

Mr. M. Govindan : I heard my friend Mr. Narayana Aiyar quoting from a smriti. May I quote from Manu?

President : That would be rather dangerous; because if the honourable member would quote the whole of Manu he would find that he should support child marriage.

Mr M. Govindan : Manu Chapter IX Verse 90.

ത്രീണി വർഷാണ്യുദീക്ഷേത കുമാര്യൃതുമതീ സതീ।
ഊർധ്വം തു കാലാദേതസ്മാദവിന്ദേത്സദൃശം പതിം ॥

What is said is that a girl should wait for three years after attaining puberty, and then choose and marry a suitable husband. That, I submit, would be very much like the provisions of the present Bill,

Mr. V. Subba Aiyar : May I ask my honourable friend whether the passage that he quoted from Manu does not relate to girls who had lost their father and mother and therefore could not be given in marriage by the parents.

President : There may be very legitimate arguments to support the Bill; but the particular passage relates to the case of a girl who having neither father nor mother or other person entitled to give her away in marriage, is asked to wait for a certain period after attaining puberty, and then make her own choice. I would once again warn the honourable member, Mr. Govindan, not to quote too much from Manu; because, subsequently, he will find all the arguments in favour of child marriage (*Laughter*).

Mr. M. Govindan : There is another passage in Manu which says that a man of thirty must marry a girl of twelve. The word used is *Dwadasa Varshakeem* : my idea is that it is a mistake in the edition and it ought to be *Dwi dasa* and not *dwadasa*.

President : That is rather doubtful, because the metre will be affected,

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Mr. M. Govindan I have looked into the matter carefully. The metre will not be affected. It is not Manu alone that has made this injunction. In Mahabharatha Anusasana Parva Chapter 40, it is stated

त्रीणि वर्षाण्युदीक्षेत कन्या ऋतुमती सती ।
चतुर्थे त्वथ सम्प्राप्ते स्वयं भर्तारमार्जयेत् ॥

After waiting for three years, the girl must choose her husband in the fourth year.

Mr. V. Sankara Menon : Who says that ?

Mr. M. Govindan : Vedavyasa, of course ; it is well known that he is the author of the Mahabharatha,

Mr. V. Sankara Menon : Everybody knows that ; what I want to know is the name of the hero in the Bharatha who has said that (*Laughter.*)

Mr. M. Govindan : Sir, may I go on without answering that question ? (*Laughter.*)

President: The honourable member yielded his place voluntarily.

Mr. M. Govindan : Now, finding the question inconvenient, I propose to go on. (*Laughter.*)

In Vasishta smriti, Chapter VII—

कुमार्यृतुमती त्रिवर्षाण्युपासीतोर्ध्वं त्रिभ्यो वर्षेभ्यः पतिं विन्दत ॥

Whether any emergency of the kind mentioned is the condition precedent to the injunction in the smriti, can be decided by reference to Ayurveda.—Susrutha, the greatest authority on Ayurveda, says—I shall not quote the Sanskrit—that a man of twenty-five should marry a girl of sixteen, and that then alone the children would be healthy and long-lived.

There is also another sloka in Susrutha, which says that if the injunction is violated there will be degeneration of the offspring and the senses will become weaker and not fully developed. If the injunction is violated, the sloka proceeds to say, there will be even abortion. The Ayurveda is accepted as a safe guide in matters of health in a Hindu country like ours. I submit that my friends should concede that for the health of the nation, it is necessary to pass a legislation of this kind.

Another argument of my friend Mr. Subba Aiyar was that there is no need, because after all there is not much of infant marriage in our State. If there is not much of infant marriage, if the evil is not so rampant, and if the people have developed to such an extent that they would adopt post-puberty marriages voluntarily, that is all the more reason why a few violations of this that we notice here and there and which may perhaps be repugnant to the sense of the community, be removed by this legislation.

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[Mr. M. Govindan.]

Another argument that strikes me is this. Travancore is a small place compared to the rest of India. The community which follows this custom is spread all over India. It so happenes that the progressive sense of the leaders of the community elsewhere has passed a similar piece of legislation prohibiting the system of infant marriages. Now, let us not incur the odium of those who have taken a lead in this matter and let our country be not a rendezvous for the people who fly from British India to conduct infant marriages here.

Mr. V. Subba Aiyar: Sir, he refers to people coming and going back. I do not know whether it is to perform the marriage that these men come and go. Even then it is an offence.

Mr. M. Govindan: Yes, it is an offence. But there are many people who take shelter here for the purpose. The fact is that it has come to my personal knowledge that persons come from outside because conditions elsewhere are not congenial to infant marriages and such marriages are not prohibited by Travancore Statute.

I submit that, everything considered, we should make ourselves strong at least to follow British India in this matter. Sir, there are many matters in which Travancore has led, as for example in the case of legislation regarding the Marumakkathayis, where our State had led and British India had followed. I strongly advise my friends to withdraw their objections.

Mr. V. Subba Aiyar: Was there not representation from the communities concerned?

Mr. M. Govindan: Yes, there was representation from communities concerned. I grant that the two members who are here and who have spoken, have spoken against it. What I say is that the consideration which should weigh with us is that this piece of legislation should be enacted to bring our laws into harmony with the rest of India. After all, is it possible for us to get isolated and remain in a corner? We form part of India. The community is the same throughout India. We have to fall into line with other parts of India.

Mr. M. K. Ananthasiva Aiyar: Are we not governed by our Highness?

Mr. M. Govindan: My loyalty to the Sovereign is not below that of my friend. What I submit is only this. When legislation is such an innocuous thing, when everybody feels that there is nothing revolutionary in this piece of legislation why not add it to our law? I hope that my pleading will serve to persuade my friends to withraw their objections.

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Mr. Thomas Chandy Mukkadan : സർ, ഈ ബില്ലിനോട് യോജിക്കുവാൻ ഒരു പ്രകാരത്തിലും എനിക്ക് നിവൃത്തിയില്ലാത്തതിനാൽ ഞാൻ ഇതിനെ എതിർക്കയത്രേ ചെയ്യുന്നത്. ലോകജീവിതത്തിൽ ഏറ്റവും പരിപാവനതയും സന്മാർഗ്ഗനിഷ്ഠയും നിലകൊള്ളുന്നത് വൈവാഹിക ജീവിതത്തിലത്രേ. അതിലേയ്ക്ക് ശരിയായിട്ടുള്ളതും ശക്തിമത്തുമായ നിയമങ്ങൾ മതസിദ്ധാന്തപ്രകാരം നിലവിലുണ്ട്. ഞാനംഗമായ കത്തോലിക്കാ സമുദായത്തെ സംബന്ധിച്ചിടത്തോളം വിവാഹം എന്നു പറയുന്നത് പരമപരിശുദ്ധമായ ഒരു സേക്രമെൻറാണ്. അവിടെ അനിഷേദ്ധ്യമാംവണ്ണം വിവാഹപ്രായത്തെ കുറിക്കുന്ന നിയമങ്ങൾ സ്വീകരിക്കപ്പെട്ടിട്ടുണ്ട്. പക്ഷേ കാലദേശാവസ്ഥകൾക്കനുരൂപമായി മതാദ്ധ്യക്ഷന്മാർ വിവാഹപ്രായത്തെ മാറുകയും ചെയ്യുന്നുണ്ട്. ലോകത്തിൻറെ ഏതു ഭാഗത്തുമുള്ള മറ്റേതു മതവിഭാഗത്തോടുമെല്ലാം മതാത്മകമായ നിഷ്ഠയോടുകൂടി വിവാഹത്തെ സംബന്ധിച്ച നിയമങ്ങൾ കത്തോലിക്കാ സഭയിൽ ഉണ്ടെന്നിരുന്നാലും വിവാഹം കഴിക്കുന്നതിനു വൈദീകന്മാരുടെ സമക്ഷത്തിൽ സമ്മതിക്കപ്പെട്ട യുവതീയുവാക്കന്മാർ ഹാജരായി മതസിദ്ധാന്തപ്രകാരമുള്ള കർമ്മങ്ങൾ ക്രമാതെതന്നെ അവർ വിവാഹം ചെയ്തിരുന്നാലും, മതാദ്ധ്യക്ഷന്മാരുടെ അനേഷണത്തിൽ അവർ പരസ്പരം ദാമ്പത്യജീവിതത്തിൽ പ്രവേശിക്കുന്നതിനുള്ള നൈസർഗ്ഗികമായ പ്രേമത്താൽ യോജിക്കപ്പെട്ടവരാണ് എന്നു ബോദ്ധ്യപ്പെട്ടാൽ, നിയമപ്രകാരം അതു സാധുകരിപ്പിക്കാൻ പാടില്ലെന്നിരുന്നാലും, അതു സാധുകരിച്ചു കൊടുക്കുന്ന പതിവുണ്ട്. സമ്മാന്യജീവിതത്തിനും സദാചാരപാലനത്തിനും പ്രണയബന്ധരായ സ്ത്രീപുരുഷന്മാർ ഉഭയസമ്മതപ്രകാരം വിവാഹത്തിനു കുറിക്കുന്ന സമയത്തിനു നിയമം വഴങ്ങികൊടുക്കണമെന്നാണ് ഇതിൽനിന്നും വ്യക്തമാകുന്നത്. ഒന്നുകൂടി ഗാഢമായി ആലോചിക്കുമ്പോൾ ഇപ്രകാരം ഒരു നിയമം നടപ്പാക്കുന്നത് ഓരോ സമുദായത്തിലും നില ഉറച്ചിട്ടുള്ളതും മതസംബന്ധമായി മാറ്റപ്പെടാൻ പാടില്ലെന്നു വിശ്വസിക്കപ്പെടുന്നതുമായ മൂലപ്രമാണങ്ങളിലേക്കു കൈകടത്തുകയല്ലേ എന്നുള്ള ഭയവും ഇല്ലാതില്ല. അതുകൊണ്ട് ഈ ബില്ലിൻറെ തത്വത്തെപ്പറ്റി ആലോചിക്കുമ്പോൾ ഇതിനെ ശക്തിയായി എതിർക്കാതെ നിവൃത്തിയില്ല.

പരിഷ്കൃതമായ നില, വിദ്യാഭ്യാസത്തിൻറെ ഉയർച്ച ഇവയിൽ ഇതര രാജ്യങ്ങളുടെ മുന്നണിയിൽ നിൽക്കുന്ന തിരുവിതാംകൂറിൽ ഈ അവസരത്തിൽ ഇതുപോലുള്ള ഒരു നിയമം ഉണ്ടാക്കേണ്ട ആവശ്യമില്ല.

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ആ ആവശ്യത്തെപ്പറ്റി ചിന്തിക്കുമ്പോൾ നിലവിലിരിക്കുന്ന ദുഷ്യത്തെ പരിഹരിക്കുന്നതിനേക്കാൾ കാണ്മാൻ പാടില്ലാത്ത ഭാവിയിലുള്ള ദുഷ്യങ്ങളെ ദർശിക്കയത്രേ ഞാൻ ചെയ്യുന്നത്. മതാചാരങ്ങൾക്കു വിധേയമായി ശൈശവവിവാഹം ചില സമുദായങ്ങളിൽ നടപ്പുണ്ടെങ്കിലും, ബില്ലിൽ പറയുന്നപ്രകാരമോ ബില്ലിന്റെ അവതാരക ചൂണ്ടിക്കാണിച്ചതുപോലെയോ ഉള്ള ദോഷങ്ങളൊന്നും ഇവിടെ വരുന്നില്ലെന്നു പറഞ്ഞതു പരമാർത്ഥമായിരിക്കെ, കാണാൻ പാടില്ലാത്ത ആരോഗ്യസംബന്ധമായോ മറ്റു പ്രകാരത്തിലോ ഉള്ള ദോഷങ്ങൾ ഉണ്ടെന്നും അവയെ പരിഹരിക്കുന്നതിന് നിയമം ആവശ്യമാണെന്നും മറ്റു സ്ഥലങ്ങളിൽ ഇത്തരം നിയമം ഉണ്ടെന്നും പറഞ്ഞു് ഇവിടെ ഒരു നിയമം പാസാക്കിയാൽ തിരുവിതാംകൂർ മറ്റു രാജ്യങ്ങളുടെ ദൃഷ്ടിയിൽ ഒരു പരിഹാസപാത്രമായിത്തീരും. മതസംബന്ധമായ കാരണങ്ങളെവിട്ടു് ഒരു തിരുവിതാംകൂർകാരൻ എന്ന നിലയിലും ഞാൻ ഈ ബില്ലിനെ എതിർക്കയത്രേ ചെയ്യുന്നത്.

മി: എം. ഗോവിന്ദൻ പ്രസ്താവിച്ച നിയമപ്രകാരം നോക്കുകയാണെങ്കിൽ ഒരു യുവതി ഗർഭവതിയായി മൂന്നുകൊല്ലം കഴിയുമ്പോൾ വിവാഹത്തിൽ പ്രവേശിക്കണം എന്നു കാണാം. ഒരു സ്ത്രീ എപ്പോൾ ഗർഭവതിയാകുമെന്നു യാതൊരുത്തർക്കും പറയാൻ കഴികയില്ല. ഗർഭവതിയാകുകയെന്നുള്ളതു് സാധാരണ ഇന്നസമയത്തു സംഭവിക്കുന്നു എന്നു വൈദ്യശാസ്ത്രജ്ഞർ ഉൽഘോഷിക്കുന്നു. പക്ഷെ, ശീതോഷ്ണസ്ഥിതിയനുസരിച്ചു് ഓരോ സ്ഥലത്തും വ്യത്യസ്തമായിട്ടാണു് ഇതു് സംഭവിക്കുന്നതു്. അങ്ങിനെ നോക്കുമ്പോൾ ഏറ വയസ്സിൽ താണ പെൺകുട്ടികളും ഗർഭവതിയായതായി ഉദാഹരണങ്ങൾ ധാരാളമുണ്ടു്. ചില പത്രങ്ങളിൽ കാണുന്ന പ്രസ്താവനകൾ വിശ്വസിക്കാമെങ്കിൽ പത്തു വയസ്സിൽ പ്രസവിച്ചതായി ദൃഷ്ടാന്തങ്ങൾ ഉണ്ടു്. ശീതോഷ്ണസ്ഥിതിയുടെ കൂടുതൽകുറവുകൊണ്ടു് എന്തെല്ലാം സംഭവിക്കുമെന്നു അറിയാൻ നിവൃത്തിയില്ല. മി: ഗോവിന്ദൻ പ്രസ്താവിച്ചതുപോലെ മനുവിന്റെ നിയമപ്രകാരം ഇത്ര വയസ്സിൽ വിവാഹം കഴിയണം എന്നും നിശ്ചയിക്കുവാൻ നിവൃത്തിയില്ല. സാന്മാർഗ്ഗികനിയമപ്രകാരവും മതസിദ്ധാന്തങ്ങളെ അവലംബിച്ചും നാം ചിന്തിക്കുകയാണെങ്കിൽ വിവാഹത്തിനു പുതിയ നിയമം അത്യാവശ്യമാണു്. ഋതുകാലത്തെന്നോ

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ക്കീട്ടാണ് മതസിദ്ധാന്തങ്ങൾ വിവാഹപ്രായത്തെ കുറിക്കുന്നത്. ഇത വായിക്കഴിഞ്ഞാൽ ഒരു സ്ത്രീ ഒരു പുരുഷനെ വരിക്കാൻ മോഹിക്കുന്നു. അക്കാലത്തു വിവാഹം അനുവദിക്കപ്പെടേണ്ടതാണ്. അന്ന് വിവാഹം തടയപ്പെടുന്ന പക്ഷം അതു രോഗഹേതുകമായി ഭവിക്കും. മാത്രമല്ല അസാന്മാർഗ്ഗികനടപടികൾക്കും അതു ഒരു പ്രേരകമായി തീരാൻ ഇടയുണ്ട്. തിരുവിതാംകൂറിലെ വിവാഹം ചെയ്യാത്ത പല സ്ത്രീകളുടേയും ശരീരപരിശോധന ചെയ്താൽ അനേകം സ്ത്രീകൾ രോഗികളായിരിക്കുന്നതു കാണാൻ കഴിയും. അതിനുള്ള പ്രധാന കാരണം ഇന്നതാണെന്നു പലർക്കും ബോദ്ധ്യപ്പെട്ടിട്ടുണ്ട്.

ഇങ്ങനെ നോക്കുമ്പോൾ ശരിയായ പ്രായത്തിൽ വിവാഹം നടത്താതിരുന്നാൽ പാശ്ചാത്യദേശങ്ങളിൽ ഇന്നനുഭവിച്ചുവരുന്ന പലവിധ ദുരവസ്ഥകളേയും തിരുവിതാംകൂർ അഭിമുഖീകരിക്കേണ്ടിവരും. ഇൻഡ്യയിലെ വിശേഷിച്ചും തിരുവിതാംകൂറിലെ സ്ത്രീകൾ ചാരിത്രത്തിലും സന്മാർഗ്ഗത്തിലും മെച്ചമുള്ളവരായി കാണപ്പെടുന്നതിനു പ്രധാനകാരണം യഥാകാലം നടത്തപ്പെടുന്ന വിവാഹം ആണ്. ഹിന്ദുമതശാസ്ത്രങ്ങളും കുസ്തീയ മതസിദ്ധാന്തങ്ങളും അനുസരിച്ചുള്ള ആചാരങ്ങൾ അനിഷേധ്യങ്ങളാണ്. അവകളിൽ ഒരു നിയമസമിതി ഇപ്പോൾ കൈകടത്തേണ്ട ആവശ്യമില്ല. മതാത്മകമായ മനോവേദനയെ ഉളവാക്കുന്നതും തിരുവിതാംകൂറിൽ ഇന്നത്തെ നിലയ്ക്കു ആവശ്യമില്ലാത്തതെന്നു പ്രഥമദൃഷ്ടിയിൽ കാണാവുന്നതും ആയ ഈ മാതിരിയുള്ള നിയമങ്ങൾ എതിർക്കപ്പെടേണ്ടവയാകുന്നു.

Mr. K. K. Kuruvilla: Sir, I rise to support the Bill. In attempting to do that, I do not propose to quote from scriptures as I cannot do as my friend Mr. Govindan has done.

Mr. Kochikal P. Balakrishnan Tampi: I rise to a point of order. Is it parliamentary to refer to the other person who quotes scriptures?

President: I do not think that any such implication was in Mr. Kuruvilla's mind.

Mr. K. K. Kuruvilla: Sir, I did not refer to misquotation. Looking at the question from the commonsense point of view, I personally feel that it is atrocious to marry a girl at the age of 12 or less. I feel that a girl at that age should sing, should play with other girls and should study. I am surprised to think that my honourable friend wants a girl at that age to think of a man as a husband. I am sorry for all girls at that age to have to think of men in that way.

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[Mr. K. K. Kuruvilla.]

I was surprised to hear my Christian friend speak against the Bill, and express the fear that many men and women may remain unmarried. One of the things I appreciate most, though I belong to another denomination, is the large number of unmarried men and women in the Roman Catholic church who have devoted their lives to public service; and in point of intellect and health I do not think they are inferior to others. I will be sorry if I find a girl's attention drawn away from play, from music and from her study at this age.

Mr. G. Narayana Aiyar: May I know whether the member is aware of any provision in the Hindu scriptures for the marriage of girls before they reach a certain age?

Mr. K. K. Kuruvilla: Sir, I am not an expert in Hindu scriptures and therefore I cannot answer the question.

The question has to be considered from the economic point of view also. One of the great problems for solution in any country as well as in Travancore is the question of population. The earlier the marriages are celebrated, I think the larger will be the population. Instead of resorting to the artificial methods of restriction, I would much rather enforce birth control by the postponement of marriages. It has been suggested that there will be immorality if late marriages take place. I ask whether that is not immorality even if we insist on early marriages. It is due to the vitiated instincts and tastes of individuals that there are aberrations in sex. It does not depend upon early marriages. I therefore submit, Sir, that even from an economic point of view, late marriages are conducive to economic development as it will tend to the restriction of population.

As regards religious sentiments, I would submit that in a truly democratic country minorities should be taken along with the majority so that there might be ultimate harmony. There is a provision in the Bill providing for the religious sentiments of the people concerned. In the last clause of the Bill it is provided that any particular individual who wants an exemption in this matter may ask for it and the marriage may be allowed. I do not agree therefore that this Bill really affects the religious sentiments of communities or of individuals.

The last point I have to say is that in all cases, when 90 per cent of the people entirely agree to a piece of legislation, that is the exact time when the legislation should be passed. We cannot expect every individual to support any piece of legislation. But if we have the sympathy of a large majority of people for it, then is the

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time for the legislation to be passed, while giving at the same time due respect to the sentiments of the minorities. I therefore very heartily support the Bill.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I also support the motion. But when such a very eminent member as Mr. Subba Aiyar opposes it, it is the duty of the House to examine very carefully the aspects presented before the House. I can understand that the great lawyer as he is, has spoken as the representative of the body who has sent him to present before the House the orthodox view, if there is such a view in the country. I am inclined to think, I mean no disparagement to any of the honourable members of this House, that most of those who have opposed the measure have done so with their tongues in their cheek. The legislation has been passed in British India. In spite of the original opposition, things have quietened down there and I wish and I hope that there are indications of a brighter generation of Brahmin young men and young women in British India. I also hope that this legislation will tend to improve from an eugenic point of view the racial stock. As my friend Mr. Kuruvilla hinted, it is not so much for improving the stock either, it is not so much purely from the point of view of physiology or eugenics that we urge this legislation, because every man and every woman should have the period of adolescence left unhampered by considerations of domestic responsibilities of a husband or wife. I do not at all refer to the physiological aspect.

I am always in sympathy with several of my friends who think of the Parasara Smriti which has provided them with excellent cooks, excellent bathers of children and excellent housewives, but who are certainly deprived of those companionable wives which some of us, non-Brahmins, can boast of. Therefore, just to give them the proper training, so that in the India of to-morrow they may play their true part in social life also, it is highly essential that young women should be given the necessary training before they are burdened with the responsibilities of a married life.

Mr. V. Subba Aiyar: Does the member know that girls who have been married before puberty were competent to manage household affairs?

Mr. Kochikal P. Balakrishnan Tampi: I am afraid I have not made myself clear. My point was that they are much too good housekeepers and housewives and that they are less companionable.

As Mr. Govindan suggested, when the greater number of them reside in British India and when they have a similar legislation, there is no particular reason why their relations on this side of the Ghats should take protection behind the Parasara Smriti.

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Mr. G. Narayana Aiyar: Does the honourable member know that in British India the legislation is respected more in its breach than in the observance?

Mr. Kochikal P. Balakrishnan Tampi: As a dutiful member of an Indian State Legislature I do not want to speak disparagingly of British Indian legislation.

Another aspect is this. The Malayali Brahmins, the Nambudiris, who have also religious feelings, are performing post-puberty marriages and when that is the case, I do not see any reason why our Smartha friends alone should oppose this piece of legislation.

Mr. Kottur Kunjukrishna Pillai: May I know whether the honourable member is aware that the Culine Brahmins of Bengal are also accustomed to the post-puberty marriages?

Mr. Kochikal P. Balakrishnan Tampi: I am glad my friend has referred to the existence of the postpuberty marriages among a section of the Brahmins in Bengal. That is one more argument why the Tamil Brahmins should follow the example of the most enlightened Brahmins in the whole of India who are nearer the Ganges and the Himalayas than the Smartha Brahmins here.

President: They are not supposed by the rest of the Brahmins to belong to their community at all and they are not allowed to interdine with any other Brahmins in Northern India.

Mr. Kochikal P. Balakrishnan Tampi: I am not despairing of the Tamil Brahmins either. They are the most wonderfully accomplished people on earth.

President: Order, order. The more we go into details as between sub-communities, the more troubles and controversies may arise. The comparison between the Malayala Brahmin and the Smartha Brahmin does not really arise, because the former is not governed by the Hindu law on that matter but by his own *acharam* laid down under the guidance of certain religious preceptors. So also the Culine Barhmins in Bengal are governed by their *kulachara*. That is analogous to what is pursued by the Nambudiri Brahmins. To go into these discussions will take us very far afield.

Mr. Kochikal P. Balakrishnan Tampi: I did not want to raise any controversies regarding the comparative precedence of any of the Brahmin classes. All that I say is that the members of that community would be decidedly the better and the happier if this Bill is passed into law.

The House adjourned for lunch at 1 p. m. and re-assembled at 2 p. m.

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Mr. Kalloor Narayana Pillai (*Mavelikara and Tiruvalla cum Pathanamthitta*) : ഈ ബില്ലിനെ ഞാനും എതിർക്കുന്നു. ഒരു സമുദായത്തെ സംബന്ധിച്ച് ഒരു നിയമം ഉണ്ടാക്കുന്നതു് അതിലുള്ള ഭൂരിപക്ഷം ആളുകളുടേയും അഭിപ്രായമനുസരിച്ചു ആയിരിക്കണം. ഏതു സമുദായത്തിന്റെ ആവശ്യത്തെ അടിസ്ഥാനമാക്കിയാണ് ഈ ബിൽ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളതെന്നാണു നമുക്കു നോക്കേണ്ടതു്. തിരുവിതാംകൂറിൽ തമിഴ് ബ്രാഹ്മണർ ധാരാളം ഉണ്ടു്. അവരുടെയിടയിൽ പെൺകുട്ടികൾക്ക് പ്രായപൂർത്തിയാകുന്നതിനു മുൻപ് വിവാഹം ചെയ്യിക്കണമെന്നുള്ളതു് നിർബന്ധമായ ഒരു വിഷയമാണ്. അങ്ങനെ പ്രായപൂർത്തിയാകുന്നതിനുമുമ്പു് വിവാഹം വേണമെന്നു നിശ്ചയിച്ചിരിക്കുന്നതുകൊണ്ടു് ആ സമുദായത്തിൽ അവിവാഹിതകളായ യുവതികൾ വളരെ കുറവാണു്. എന്നാൽ മരുമക്കത്തായികളുടെ നില നോക്കുകയാണെങ്കിൽ ഇത്ര വയസ്സിനുമുൻപു് വിവാഹം ചെയ്യണമെന്ന ഒരു നിർബന്ധം ഇല്ലാതിരിക്കുന്നതുകൊണ്ടു് ആ സമുദായത്തിൽ അവിവാഹിതകളായ യുവതികൾ ധാരാളം ഉണ്ടു്. ക്രിസ്ത്യൻ സമുദായത്തെ പരിശോധിക്കുന്നപക്ഷം അവരുടെയിടയിൽ അവിവാഹിതകളായ യുവതികൾ ധാരാളം ഉണ്ടെന്നുകാണാവുന്നതാണു്. തമിഴ് ബ്രാഹ്മണരുടെയിടയിൽ പ്യൂബർട്ടിക്കു മുൻപു് വിവാഹം നടത്തണമെന്നു വ്യവസ്ഥയുണ്ടെങ്കിലും അവരുടെ പ്രായപൂർത്തി (നെപ്ഷ്യൽ) കഴിയുന്നതിനു മുൻപു് വധൂവരന്മാർ തമ്മിൽ ദർശിക്കാൻ പാടില്ലാ എന്നു വ്യവസ്ഥ ചെയ്തിട്ടുണ്ടു്. അതുകൊണ്ടു് പതിനാലു വയസ്സിനു മുൻപു് വിവാഹം നടന്നിരുന്നാലും വധൂവരന്മാരുടെ പ്രായം ആയതിനുശേഷമെ നടക്കുകയുള്ളൂ. മലയാള ബ്രാഹ്മണരുടേയും തമിഴ് ബ്രാഹ്മണരുടേയും ആചാരങ്ങൾക്കു വളരെ വ്യത്യാസമുണ്ടു്. പ്യൂബർട്ടി ആകുന്നതിനു മുൻപു് വിവാഹം കഴിക്കാൻ സാധിച്ചില്ലെങ്കിൽ വിവാഹകാലത്തു് അതിലേക്കു പ്രായശ്ചിത്തം നടത്തിയാൽ മതിയാകും.

സ്കൂൾ ഫൈനൽ ക്ലാസിൽ പഠിച്ചുകൊണ്ടിരിക്കുന്ന ഒരു വിദ്യാർത്ഥിയെ കണ്ടു് നല്ലനിലയിൽ വരുന്ന ഒരാളാണെന്നു കരുതി അയാളെക്കൊണ്ടു് തന്റെ മകളെ വിവാഹം ചെയ്യിക്കാൻ ഉദ്ദേശിക്കുന്ന ഒരു പിതാവിനു് ഈ ബിൽ വളരെ തടസ്സമായിട്ടാണു് കാണുന്നതു്. പന്ത്രണ്ടു വയസായ ഒരു നായർ പെൺകുട്ടിയെ പതിനാറു വയസ്സായ ഒരു യുവാവു വിവാഹം ചെയ്തശേഷം അയാളെ ഇംഗ്ലണ്ടിലേക്കയച്ചു് ഐ. സി. എസ്. നു പഠിപ്പിച്ചു് അതു പാസായി തിരിയെ വന്നു് ഇപ്പോൾ അവർ ഉദ്യോഗത്താക്കന്മാരായിരിക്കുന്നുണ്ടു്.

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൩൦ വയസ്സ് പ്രായമുള്ള ഒരുത്തന് തന്റെ പെൺകുട്ടിയെ താൻ മരിക്കുന്നതിനു മുൻപു വിവാഹം ചെയ്തു കാണണമെന്ന് വിചാരിക്കുകയാണെങ്കിൽ ഈ ബില്ലുകൊണ്ട് അതുസാധിക്കാതെയാണു വരുന്നതു്. അതുകൊണ്ട് ഇതു വയസ്സിനുമേൽ മാത്രമേ വിവാഹം നടത്താൻ പാടുള്ളു എന്ന് ഒരു വ്യവസ്ഥ ഉണ്ടാക്കുകയാണെങ്കിൽ ഇതു വയസ്സ് കഴിഞ്ഞ അവിവാഹിതകളായ സ്ത്രീകളെ ഈ രാജ്യത്തു കാണാൻ പാടില്ല എന്നു ഒരു വ്യവസ്ഥയും കൂടി ഉണ്ടാക്കേണ്ടിയിരിക്കുന്നു. അതു് നടക്കാത്ത ഒരു സംഗതിയാണു്.

ശൈശവവിവാഹംകൊണ്ട് ആരോഗ്യത്തിനു ദോഷം വരുമെന്നാണ് ചിലർ പറയുന്നതു്. പ്ലേഗ്ബർട്ടി അറെയ്ൻ ചെയ്യുന്നതിനു മുൻപു വിവാഹം നടത്തണമെന്നു നിർബന്ധമുള്ള സമുദായത്തിൽപ്പെട്ട പലരും നല്ല ആരോഗ്യമുള്ളവരും നല്ല ബുദ്ധിമാന്മാരുമായിട്ടുതന്നെയാണു കാണുന്നതു്. അതുകൊണ്ട് ആവക ദുഷ്യങ്ങൾ ഇത്തരം വിവാഹംകൊണ്ടുണ്ടാകുന്ന ദുഷ്യങ്ങളാണെന്നു പറയുവാൻ നിവൃത്തിയില്ല. ശൈശവവിവാഹനിരോധനബിൽ മുൻപു് ഇല്ലാതിരുന്നതാണല്ലോ. നമ്മുടെ പൂർവീകന്മാരുടെ ആരോഗ്യത്തെ നോക്കുമ്പോൾ നാം എത്ര ക്ഷീണിച്ച ശരീരത്തോടു കൂടിയവരായിട്ടാണ് കാണപ്പെടുന്നതു്. ഈ മാതിരിയുള്ള പ്രതിബന്ധങ്ങൾ ഉണ്ടാക്കിവയ്ക്കുന്നതു് ആ സമുദായത്തിനു വളരെ ദോഷകരമാണെന്നാണ് എന്റെ അഭിപ്രായം.

മന്ത്രങ്ങളുടെ അർത്ഥം മനസ്സിലാകുന്നതിനു പ്രായമാകുന്നതിനുമുൻപു വിവാഹം നടത്തിയാൽ മന്ത്രത്തിന്റെ ശക്തി കുട്ടികൾക്കു മനസ്സിലാവുകയില്ല എന്നു പറയുന്നു. മതസംബന്ധമായ പൂജ, പുഷ്പാഞ്ജലി, ലളിതാസഹസ്രനാമം, മുതലായവ നാം ഇപ്പോൾ നടത്തിച്ചുവരുന്നതു് അവ എന്താണെന്നു കേൾക്കാതെയും മനസ്സിലാക്കാതേയും ആണല്ലോ. ആ വിഷയത്തിൽ നമ്മുടെ വിശ്വാസംമാത്രമേ നോക്കേണ്ടതുള്ളു. മന്ത്രങ്ങളുടെ അർത്ഥം അതു എളുപ്പത്തിൽ ഗ്രഹിക്കത്തക്കതൊന്നല്ല. ശ്ലോകങ്ങളോ മറ്റൊരാണെങ്കിൽ ചിലതു മനസ്സിലാക്കാൻ സാധിക്കുമായിരിക്കാം. അതുകൊണ്ടു മന്ത്രങ്ങളുടെ അർത്ഥം ഗ്രഹിച്ചില്ലാ എന്നുള്ളതുകൊണ്ട് യാതൊരു ദുഷ്യവുമുണ്ടാകാനില്ല. പന്ത്രണ്ടു വയസ്സിൽ വിവാഹം കഴിച്ചിട്ട് ഐ. സി. എസ്. നു് ഇംഗ്ലണ്ടിൽ അയച്ചു പഠിപ്പിച്ചു് വരുത്തിയിട്ടുള്ള രണ്ടു മൂന്നു സ്നേഹിതന്മാരെ എനിക്കറിയാം. അങ്ങനെ ചെയ്യുന്നതിനു സൗകര്യപ്പെടാതിരിക്കത്തക്ക സന്ദർഭമുണ്ടാക്കിവയ്ക്കുന്നതു സമുദായത്തിന്റെ നടപ്പിനു വളരെ പ്രതിബന്ധമായി തീരുന്നതാണു്. ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന ആചാരങ്ങളെ ഭേദപ്പെടുത്തി അതിൽ വിശ്വസിച്ചിരി

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ക്കന്നവരുടെ മനസ്സിനെ ക്ഷണപ്പെടുത്തുന്ന ഒരു ബിൽ പാസാക്കാൻ പാടില്ലെന്നാണ് എന്റെ അഭിപ്രായം.

Mr. T. Mahomed Ismail: (*Nominated*): Sir, I wish to speak a few words on the subject. I do not wish either to support or oppose the Bill under discussion. But, in doing so I must make my position clear. I do sympathise with the members who opposed this Bill. Their principle is that they should not be asked to follow a compulsory law against their religious sentiments. They do not want it and I will be the last person to impose a law on persons who do not want it. At the same time it is clear that some of the communities do want a Bill of this kind. By all means they must be given the law they want. From a perusal of the Bill as a whole, I think the Bill is intended to satisfy both sets of persons and in pursuance of that, the necessary provision is made in Section 11 by which the Government is given the power to exempt any marriage in Travancore from the operation of this Act, on application made in that behalf by the legal guardian of the bride or bridegroom whoever is a child. This is a discretionary power and this can be availed of at any time by the party who wants it. Therefore, those who oppose it can legitimately be safe under this provision even if this bill becomes law. As far as Muslims are concerned their position is very clear. Islam does not compel us to perform marriage before 14 and 18. At the same time it does not prohibit us from doing so. So if we want to effect a marriage, we are permitted to do so under clause 11 of the Bill. The provision is only an enabling one. If clause 11 is not satisfactory to us, of course we may have to oppose the Bill. Though the Act does not affect the principles of Islamic law on the subject, still I do not wish to be a party to a piece of legislation which affects the religious principles and sentiments of certain communities who oppose it on that ground. Therefore we, the Muslim members, have decided to be neutral in this matter.

Mr. T. Krishna Pillai: Sir, I also oppose the Bill. At first, I never wanted to participate in the discussion of this Bill, but after hearing the instructive and convincing arguments of our revered friend, Mr. Subba Aiyar, I felt that I would be failing in my duty if I do not oppose this Bill. As has been adverted to by Mr. Narayana Aiyar, the mover of the Bill was actuated by the main motive namely, to eradicate the social evil which she believes to exist in the absence of such a measure, and which tends to undermine the health and vigour of future generations. Sir, from my experience of the Brahmin families both within and without Travancore who have contracted pre-puberty marriages, I know as a matter of fact, that parents as well as their children are keeping robust health and are superior in intelligence than the families

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who have contracted post-puberty marriages. I may even go to the extent of confining myself to this House itself. Sir, the honorable members of this House who belong to the Brahmin community offer occular proof, indeed, of the hollowness of this sort of argument by the supporters of this Bill ; for, Sir, who can doubt or question the youthful enthusiasm, the vigour and health, as well as the intellectual stamina of the Brahmin gentlemen who are happily with us in this House?.

The honourable member Mr. Balakrishnan Tampi was saying that their families are lacking in companionable wives. If by the word companionability my friend means the existence of a happy, agreeable connubial relationship between the husband and the wife born out of chastity of the wife and fidelity of the husband, then I must say that the families who have contracted pre-puberty marriages are not at all lacking in 'companionableness', and I may, Sir, even go to the extent of saying that such a state of life is woefully lacking in families who have contracted post-puberty marriages. The honourable member Mr. Govindan was saying that we must take the lead as we have done in so many social legislations and that therefore we must naturally adopt this reform because it has been passed in British India. Sir, I am for crying halt to the sickening imitation of Acts and Regulations from British India. Here, let us take the lead in not adopting what British India has done. After all, we do not find any necessity for such a measure nor a clear case of necessity has been proved by the sponsors of the Bill ; it would, indeed be a legislative absurdity to enact such a measure and disfigure our statute book simply because our brethren in British India enacted such a measure. With these words I oppose the Bill.

Mr. V. Sankara Menon : I too oppose the Bill both on principle and on a consideration of the merits. In the first place, I do not understand the necessity for a Bill when that necessity is not explained to me sufficiently by anybody who wants to pass this Bill. Though mention of a particular community is not made in the Bill, it is evident that it affects the Brahmin community to a large extent, and I find that responsible and influential members of that community are not only against the passing of this Bill but they even suggest that this Bill has been moved with a purpose to check the prosperity and advancement of that community. I understand from certain influential members of that community that it has been moved with a purpose not to raise the status of that community but to lower the condition of the community from its present stage. Anyhow, under the present circumstances, I do not think that it is necessary to pass such a Bill when the persons to be benefited by the same are aganist it.

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In regard to the merits also, one or two grounds mentioned here for the passing of this Bill appear to be quite unsatisfactory. In the first place, it is said that for the health of the future generation, the passing of a Bill of this nature is quite essential. I do not think that a community which has thrived well so long, can in any way be handicapped by the absence of a legislation like this. I think that the passing of this Bill will in no way improve the health and the physical or economic condition of any community.

Another ground advanced is that we will be going backward, if we do not pass this Bill in the eyes of the other parts of the world. What I beg to submit is that the passing of this Bill is not the criterion of the prosperity of the country. We are more advanced than many other countries in many respects. The passing of a Bill against the will of the Brahmin community as a whole will not help to raise the position of our country. On these grounds I oppose the Bill.

Mr. James Fletcher: Sir, the Child Marriage Restraint Bill only restrains or prohibits marriages of girls below the age of 14 and of boys below the age of 18. Child marriage has been, or is even now prevalent not only among one community but among most of the communities living in Travancore. We know of child marriages among Muslims among Christians, among other Hindus and among the Brahmins; so much so that it does not affect one community alone; but it affects many communities. Of all those communities, only one community raises objection to this Bill. So far as that one community is concerned, if it wants the right to continue its old customs, the legislature has been careful enough to allow the necessary exemption when required. Section 11 of the Bill grants them necessary exemption. Considering the matter from the point of merits, I must say that this bill is highly necessary.

From the point of view of the health of the citizens, legislation of this kind is a necessity. Though some of my friends said that the community which follows the custom of marriage before puberty keeps up the best health and strength I may say that if this advantageous Bill, *viz*, marriage after the age of 14, is introduced, I am sure, they will be far better than what they now are. You cannot say that the custom alone is responsible to the strength and intelligence which we see among the members of that particular community. I am sure that if this reform is introduced, it would be very advantageous to them. For one thing, you may know, that whenever marriage is complusory before the age of 12, the girl is unable to continue her studies after that age or to continue other intellectual accomplishments and she is soon sent to a husband to whom she becomes a servant or a slave. In very large instances

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[Mr. James Fletcher]

she becomes overburdened with many responsibilities. Otherwise she could have continued, her studies and her body would have well developed. As a result of early marriage, all these things become restrained. All sorts of responsibilities are thrown on her. The poor girl child groans under all sorts of responsibilities.

Mr. Thomas Chandy Mukkadan: ചെറുപ്പത്തിലെ കല്യാണംകഴിച്ചാൽ ശരിരം തടിക്കുമെന്നുള്ള വിവരം അറിയാമോ?

Mr. James Fletcher: I am not aware of that. My idea is that early marriage is injurious to her physical condition.

Secondly, it is said, that just because marriage has not been conducted before puberty, the number of women who are unmarried becomes very large in certain communities. Some of my honourable friends referred to that and said that other communities also should adopt the post-puberty system. Surely not. The fact that a number of women are not married in certain communities is not due to that reason. There are so many other causes that lead to the compulsory maidenhood of women.

Then some other honourable members said that late marriage is a custom which is followed in countries of Europe and so we should not follow the custom. My reply is that whatever is good whether of the East or of the West should be adopted by us. Just because a custom is current elsewhere, we should not say that it is unfit for our country. As a matter of fact, so long as any custom is good, so long as we feel that a custom is useful and advantageous to this country, let us adopt it.

Then it was said, why should there be legislation for this purpose. I may say, that the Brahmin community, at least those who represent the Brahmin community's views, themselves admitted that practically they follow what is stated in the Bill, *viz.* their children or children's children are married after 14. In such cases, when practically this law is followed, why not put it in the form of a bill so that it may be helpful to others and to other communities which have not yet made it a practical issue in their life in their community. Therefore, I would suggest that a legislation is necessary.

With regard to climatic condition, some honourable members said that it compels early marriages. Of course, I would say marriage at an early age is necessary, but what is the age? Is it before 14 or after 14? Our raising the age limit up to 14 itself shows that climatic conditions in India need marriages to be conducted at an early age. In cooler climates marriages are contracted at the age of 25 or 30. But here, we have raised the age only to the limit of 14 so far as girls are concerned. Perhaps a time may come when the age may have to be raised to 16. However, we hav taken only a more considerate view of the matter.

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Then with regard to respect for religious sentiments and susceptibilities. Every community's religious sentiments ought to be respected. I am sure, no member of this Council would desire to force this law by the legislature until and unless they are sure that religion does not stand in the way. So far as I have learnt, religion does not stand in the way. When their sisters and brothers on the other side of the Ghats have passed the Bill and when there are inter-marriages between the members of the community in this part of India and the other part of India, religion cannot be said to have stood in the way. If religion stood in the way, surely, a law like this would not have been passed in British India.

The chief party that ought to be consulted in passing this law is the woman herself. The All India Women's Conference supported this Bill. That is a very strong point in favour of passing this Bill. The All India Women's Conference considered all the aspects of the case and came to the conclusion that such a bill is necessary so far as women are concerned, all over India. To those who are very particular to be exempted, there is clear provision for it in the Bill and therefore I would request my friends to support the Bill as it is.

Mr. N. Krishna Aiyar (*Vaikam, Kottayam and Changanacherry* cum *Peermade*): Sir, I strongly oppose this Bill. It seems to be an oppressive piece of social legislation thrust upon a community which does not want it; a legislation against their religious sentiments, tradition and immemorial custom. The community intended to be benefited, if at all, has not come forward, as my honourable friends who opposed the Bill said, for such a piece of legislation. On the other hand, they strongly resent it. It is unfair for any legislature to push on such a legislation which would only harm the interests of those who are intended to be protected. Those who have brought in this Bill and those who are solicitous of the welfare of the community would have done much better if they had consulted beforehand the leaders of the community intended to be protected. Even after knowing the sentiments of a large section of the community with regard to this legislation, it is, as I said, very unfair on the part of the movers of this motion in passing this into law. I fully endorse the views expressed and the arguments advanced by the previous speakers in opposing this Bill. So I do not wish to repeat one by one the arguments put forward by them. But I shall make one or two observations with regard to some points raised by some of the speakers in support of this Bill. Mr. Govindan, and Mr. Fletcher raised the point that this legislation would not only benefit the present generation but the future generations as well. But, Sir, proof of the pudding is in the eating of it. We see as a matter of fact that the members of the community who are the products of this child-marriage

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[Mr. N. Krishna Aiyar.]

which has been in practice from years past are not less healthy, less intelligent or less equipped in any standard of life than the members of other communities who have not been following this practice. They certainly stand equal to others in all these factors.

The second argument advanced by Mr. Govindan was that so long as this law has been passed in British India and so long as we do not find our way to enact it here, Travancore would become a rendezvous for law-breakers in British India. It is a misconception. It seems that my honourable friend is not aware of the fact that the law has been suitably amended in British India so as to get a law-breaker in that territory who goes over here to be punished. And, my honourable friend has not been able to point out any specific instance where persons took refuge here after breaking the law there. Such instances, if any, are very rare and there may be one or two exceptions.

Another point raised by my honourable friend Mr. K. K. Kuruvilla was on economic grounds. He said that this legislation would be a check on the growth of population. Sir, the Census Report of 1931 would be the best testimony to prove that the proportionate growth of the population of this community is not at all more than the growth of population of the other communities who practise in the other way. But with particular reference to the Brahmin community I have to say that child marriage is all the more necessary and should be encouraged, because the one great grievance of the community is under-population and unrepresentation. In the light of the recent rules made for the recruitment to public service which are coming into operation, it has become the elemental necessity of the Brahmin community to increase their population and show a better record during the next census. Then, at least one more may be added to the number either in the Advisory Committee or in the matter of appointments. Sir, other members seem to be solicitous about the welfare of the Brahmins. And what they should do for this is, that they should ask the Brahmins to multiply themselves by marrying early.

Mr. M. Govindan: May I ask the honourable member whether he is willing to include the children of *anuloma* marriages in his community?

Mr. N. Krishna Aiyar: As far as I am concerned I have no objection.

President: The object sought by my honourable friend does not include such marriages in its scope.

Mr. N. Krishna Aiyar: If child marriages would lead to the multiplication of the population of the community then it must

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be encouraged on national grounds as being done by Signor Mussolini. Another objection pointed out by my honourable friend Mr. Tampi was that the system will not give us companionable wives. If my honourable friend would consult his Brahmin friends he would be satisfied that in point of companionableness or in point of constancy or continunity of married life we stand equal to anybody in the world. Another point stressed was that the Sanatanists in British India fretted and fumed when this legislation was enacted there. I can assure the honourable member that such a thing will not take place here in Travancore, because, essentially, even the Sanatanists here would bow down to the law though all of them will feel the oppression which lies behind it. But in the interests of fairness and justice it ought to be the duty of all people to see that such a contingency does not arise.

Then, on general grounds, it would be seen that this practice has been going on for ever so many years. We cannot say from what period. And in point of longevity of life or in robustness of health, in character, in efficiency, nay, in all standards of human life and human endeavours the communities which have been following this practice have been holding themselves on a par with anybody else in the world. So, there is very little justification for pushing forward such a piece of legislation against the very sentiments and interests of the community whom it is sought to protect. I therefore, appeal to the members of this House, to be fair to the members of this community whom it will obviously affect and request the honourable members to consider these aspects also when they vote for the passing of this Bill.

Mr. P. R. Godavarma Raja (*Edavaga*) : After hearing the many points of argument advanced by the previous speaker, I fail to be convinced of the necessity of opposing this Bill. Therefore, Sir, I do strongly support the principle involved in this Bill. In this connection I would refer to a famous saying embodied in a Sanskrit verse in answer to those who say that child marriage is against Smrithis. The verse runs as follows :—

ശ്രുതിർ‌ഭിന്നാ സ്മൃതയശ്ച ഭിന്നാഃ
നൈകൊ മുനിർയ്യസ്യ മതം പ്രമാണം
ധർമ്മസ്യ തത്വം നിഹിതം ഗുഹായാഃ
മഹാജനൊ യേന ഗതഃ സ പന്ഥാഃ

This verse means that in these matters, the Srutis are different, so also the Smrithis. There are many sages who differ from one another as regards authoritativeness. The principle of Dharma rests in impenetrable caves. Hence we should follow that path trodden by the elite of the enlightened in the country. Moreover,

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[Mr. P. R. Godavarma Raja.]

even supposing that this Bill is against Smrithis there is still a method to get over the difficulty by performing *Prayaschitha* which is also enjoined by the Smrithis themselves. So the argument that this piece of legislation does not conform to the Smrithis does not also hold ground.

With regard to the point advocated by some of my friends, that because in British India a piece of legislation like this was passed it is not necessary that we should also have one like that here, I would say that we should consider how that piece of legislation came to be passed there and what is the principle underlying the same. If that principle is acceptable to the people here, we should surely adopt it.

So far as these matters are concerned a certain amount of compulsion is necessary and I wish to refer the honourable members to some other pieces of legislation which are now in the statute book and which are expropriatory in character. I refer to the Jenmikudiyan Act. That legislation is an expropriatory legislation. When laws of such character have been passed by the legislature, I fail to see why this piece of legislation alone is opposed on the ground of its compulsory nature.

Mr. Thomas Chandy Mukkadan: ഈ ബില്ലിന്റെ പരിധിയിൽ നിന്നും ഏതെങ്കിലും സമുദായത്തെ ഒഴിവാക്കുന്നതിൽ വിരോധമുണ്ടോ?

Mr. P. R. Godavarma Raja : അങ്ങിനെ ഒഴിവാക്കിയാൽ ബില്ലിന്റെ ശക്തികുറഞ്ഞു പോകുമെന്നാണ് എന്റെ അഭിപ്രായം.

Mr. M. Govindan: Is there not provision in this Bill for exceptional exclusions?

Mr. P. R. Godavarma Raja: Yes. There is the last Section. Sir, considering all the aspects, I think there is no harm done to any community in passing this legislation. Therefore, I strongly appeal to the House to adopt it.

Mr. E. K. Kuriyppe : സർ, ഏതെങ്കിലും ഒരു സമുദായത്തിന്റെ പാരമ്പര്യത്തിനു വിപരീതമായി ഒരു ബിൽ പാസ്സാക്കുന്നതു മത വിശ്വാസത്തിൽ അടിയുറച്ചുനിൽക്കുന്ന തിരുവിതാംകൂറിനു ഒരിക്കലും യോജിച്ചതല്ല. ഒരു സമുദായത്തിലുള്ള ഭൂരിപക്ഷം ജനങ്ങളുടെ അഭിപ്രായം അനുസരിച്ചുവേണം ബില്ലു പാസ്സാക്കേണ്ടതു്. ചൈൽഡ് മാര്യേജ് കൊണ്ടു് ആരോഗ്യമുള്ള സന്താനങ്ങൾ ഉണ്ടാവുകയില്ലെന്നു് ചില ഡാക്ടർമാർ പറയുമായിരിക്കാം. നൂറു വയസ്സു് തികഞ്ഞ സർ. സി. പി. രാമസ്വാമിഅയ്യരും ഉദ്ദേശം നൂറു വയസ്സുവരുന്ന ശ്രീ. ഇ. സുബ്രഹ്മണ്യ

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അയ്യർ അവർകളും, അരോഗദൃഢഗാത്രന്മാരായ സന്താനങ്ങളായി ചൈൽഡ് മാര്യേജ് സ്വീകരിച്ച സമുദായത്തിൽ ജനിക്കാമെങ്കിൽ എന്തു കൊണ്ട് ചൈൽഡ് മാര്യേജിനെ എതിർക്കുന്നു എന്നാണ് ഞാൻ ചോദിക്കുന്നത്. വിവാഹം കഴിക്കാത്ത സ്ത്രീയ്ക്കും പുരുഷനും ആരോഗ്യത്തിന് കേടുവരും എന്നു മി. കുരുവിള ഇവിടെ സൂചിപ്പിക്കുകയുണ്ടായി.

Mr. K. K. Kuruvilla : I did not make any scuh statement.

Mr. E. K. Kuriyppe : പറഞ്ഞതായിട്ടാണ് എന്റെ ഓർമ്മ. വിവാഹം കഴിക്കാതിരിക്കുന്ന കാത്തലിക്ക് വൈദികന്മാരിൽ ഭൂരിപക്ഷം പേരും നല്ല ആരോഗ്യവാന്മാരായിട്ടാണ് കാണപ്പെടുന്നത്. അതുകൊണ്ട് വിവാഹം കഴിക്കാത്തവർക്ക് ആരോഗ്യത്തിനു കേടു വരുമെന്നു ഒരിക്കലും പറയാൻ പാടില്ല.

പ്രത്യേകം ബില്ലുകൊണ്ട് ആരേയും നിർബന്ധിക്കാതെ ഓരോരുത്തരുടേയും ഇഷ്ടത്തിനു വിട്ടുകൊടുക്കുന്നതാണ് നല്ലത്. ഇതുയും പ്രസ്താവിച്ചുകൊണ്ട് ഞാൻ ഈ ബില്ലിനെ ശക്തിയായി എതിർക്കുന്നു.

Mr. T. K. Kitten (*Vaikam, Kottayam and Changanachery cum Peermade*) : സർ, ഈ ബില്ലിനെ ഞാനും എതിർക്കുന്നു. തമിഴ് ബ്രാഹ്മണരെ ഈ ബില്ലിൽനിന്നും ഒഴിവാക്കണം. ഈ ബില്ലിനെ അനുകൂലിക്കണമെന്നു വിചാരിച്ചാണ് ഞാൻ ഇവിടെ വന്നത്. എന്നാൽ ഇവിടെയുള്ള തമിഴ് ബ്രാഹ്മണരുടെ പ്രസ്താവനകൾ കേട്ടതിൽ അങ്ങനെ വിചാരിച്ചതു തന്നെ മഹാ പാപമെന്നാണ് എനിക്കു തോന്നുന്നത് (ചിരി). എന്റെ സ്നേഹിതൻ ശ്രീമാൻ നാരായണയ്യർ അവർകൾ "ഞങ്ങളെ ഇതിൽനിന്നും ഒഴിവാക്കണം എന്നു പ്രാർത്ഥിച്ചുകൊണ്ട് ഞങ്ങളുടെ നേർക്കു കൈയ്യുംവച്ചുകൊണ്ട് നിന്നതിനു എന്നെ വല്ലാതെ അമ്പരപ്പിച്ചു. അതുകയാൽ അവരെ നിർബന്ധിച്ച് അവരുടെ മേൽ ഈ മഹാപാപം (ബിൽ) കെട്ടിവയ്ക്കരുത് എന്നാണെന്റെ അഭിപ്രായം. അവരുടെ പെൺകുട്ടികളെ പ്രായപൂർത്തിയാകുന്നതിനു മുൻപ് കല്ല്യാണം കഴിപ്പിക്കുന്നതുകൊണ്ടുള്ള ദോഷങ്ങളെ കണ്ടുപിടിക്കത്തക്ക ബുദ്ധിമാന്മാരാണ് അവർ. ഇൻഡ്യയിൽ ഏറ്റവും ബുദ്ധിയുള്ള ജാതിക്കാർ ബ്രാഹ്മണരാണ്. അങ്ങനെയുള്ളവർക്ക് നാം നിയമം ഉണ്ടാക്കിക്കൊടുക്കേണ്ട ആവശ്യമേയില്ല. അവരെ ഇതിൽനിന്നു ഒഴിവാക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. ശൈശവവിവാഹനിരോധനപ്രസ്ഥാനത്തിനു മുൻപു വിവാഹം ചെയ്യപ്പെട്ട ബ്രാഹ്മണസ്ത്രീകൾ പ്രസവിച്ച മക്കളാണ് ഈ ബഹുമാനപ്പെട്ട സഭയിൽ ഇരിക്കുന്നത്. നോക്കുക വല്ല ചള്ളും ചുളുക്കുമുള്ളവർ ഈ കൂട്ടത്തിൽ ഉണ്ടോ എന്ന്. കുത്തരുതില്ല. ആ സമുദായത്തെ ബില്ലിൽനിന്നു ഒഴിവാക്കുക. ഞാൻ ബില്ലിനെ എതിർക്കുന്നു.

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Mr. K. M. Kesavan : In spite of the arguments advanced against the Bill, I feel constrained to support it. There is no doubt that the best well-wishers of a child are its parents ; and there is provision for exemption from the operation of the Bill to those who desire it and the guardian has only to apply for that. In view of the provision for exemption, I should think it is waste of energy and time to discuss the two sides of the question.

Hitherto, it was man that was bringing in Bills and steering them in the Legislature; this is the first instance in which a woman has introduced a Bill and got it passed by the Lower House. I should think that, from vedic times, this is the first instance of the kind. I should also think that that fact itself should have moved some of my honourable friends here, as it has touched them to the quick, to their manliness.

Mr. V. Sankara Menon : Was it a woman that introduced the Bill here ?

Mr. K. M. Kesavan : Not here, in the other House ; I said it clearly.

Mr. M. K. Ananthasiva Aiyar : May I ask the honourable member whether he supports the Bill because it has been brought in by a lady ?

Mr. K. M. Kesavan : Not at all. The main consideration which should weigh with us in seeing this Bill passed into law as early as possible, is in the interest of the future generation. There is also the question of equality of rights and privileges as between man and woman. Therefore, irrespective of any other consideration, this Bill must be supported and passed.

My honourable friend Mr. Krishna Aiyar was arguing that if child marriage was encouraged and if as a result, the population of of the communities concerned would increase, he would only welcome it since the Brahmins, who alone are concerned in this matter, would then be able to get better representation in the public service and representation in the legislature. From his own point of view, that may be right. But, I would ask him to consider the other aspect of the question. At present, in spite of the fact that the Brahmins number only about 50,000, there is over population in Travancore, actual over-crowding. As the Dewan-President rightly observed the other day, barring Java, Travancore is the most densely populated country in the world. In view of that fact, I would ask my honourable friend whether he would still recommend further multiplication of population. I was surprised when he recommended that we should follow Sgr. Mussolini in this respect. The conditions in Italy are entirely different from the conditions here. There, on account of the recent war, there is

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paucity of population. We have no war here, and yet the country is already overcrowded. Any further increase in our population would lead us to one of the most menacing problems, over-population and further unemployment. We are already over-populated, and our unemployment problem is not easy of solution. Therefore any suggestion consistent with morality and religion to reduce birth rate would be quite welcome for Travancore.

It was argued by another honourable member that certain principles have been laid down in the Sruthis and Smrithis. Sir, those Smrithis and Sruthis were written centuries ago to suit the conditions then obtaining in India.

Mr. Kochikal P. Balakrishnan Thampi: They were never written. (*Laughter.*)

Mr. K. M. Kesavan: "Sruthi" means what is heard, and "Smrithi" what is remembered. I know they were not written originally. But subsequently what was heard and what was remembered were written down. Hence the reference "written". Let me quote a sanskrit stanza in support of my principle :—

"നിന്ദന്തു നീതിനിപുണാഃ യദിവാ സ്തുവന്തു
ലക്ഷ്മീ സമാവിശതു ഗച്ഛതു വാ യഥേഷ്ടം
അദ്യൈവ വാ മരണമസ്തു യുഗാന്തരേ വാ
ന്യായാൽ പഥഃ പ്രവിചലന്തി പദം ന ധീരാഃ"

Mr. V. Sankara Menon: May I have the meaning of that verse?

Mr. K. M. Kesavan: Unless I explain it in Malayalam, my friend may not be able to understand it; I may be permitted to explain the meaning in Malayalam.

President: The honourable member may explain it in Malayalam or in English, as he likes.

Mr. K. M. Kesavan: I shall give the substance in English—

Let Legislators condemn or praise,
Let prosperity come or go,
Let death come at once or a century hence;
Firm-willed people will not budge an inch from the right path.

Therefore, scriptures have to be interpreted to suit present day condition.

Mr. M. Govindan: May I ask whether the Smrithis characterise infant marriage as *apat dharma*?

Mr. K. M. Kesavan: May be. There are several stories in Puranas to show that pre-puberty marriage is the best and that it was considered a sin to desist from joining one's wife after her

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menses. I shall give one instance. "Kamadhenu" cursed Dileepa when he went away without bowing before her on his return to his queen "Sudekshina," because, on the fourth day after her menses, it is enjoined in the Sastras that the husband should join the wife immediately after the menses. If he did not do so it will be construed as equal to a child murder. But now I would once again repeat the necessity for us to check the growth of population; and certainly the prevention of child marriage is one step in that direction.

Mr. N. Krishna Aiyar: Are there not scientific methods to check the growth of population ?

Mr. K. M. Kesavan: I am aware of those nasty devices. But I denounce all those methods, except self-restraint as they are immoral and even unmoral.

President: I would draw the attention of the honourable members to the fact that the question now before the House is child *marriage* restraint. (*Laughter.*)

Mr. K. M. Kesavan: Yes Sir, and therefore I strongly support the motion.

Mr. Kottur Kunjukrishna Pillai: Sir, I must confess that I was not prepared for so much of conservative opposition to this piece of innocent reform, and therefore did not think it necessary to explain, at the outset, the objects of the Bill. I thought that because the attempt of this beneficial reform began as early as 1922 in British India, it would have had its effect in this House also and there would be no necessity for me to anticipate time-old opposition and arguments in support of it, and then answer them.

I shall be pinning my faith, Sir, on the fact that in another place this piece of legislation has been passed as the result of a compromise between the various interests concerned with it. I lay much stress on the agreement or compromise that has been arrived at in another place between the opposing points of view. As it will be seen, the Bill itself is the result of a compromise which has been accommodating to such an extent, which may perhaps not satisfy the ordinary reformist, because, after all, the last clause, No. 11 provides that any man who has got any reasonable objection can be exempted from the provisions of this Bill and the right to grant that exemption has been given to Government. No reasonable opposition can be raised on the ground that the Bill seeks to force through unwilling throats, this dose of reform.

Sir, as we find, many an old argument has been raised here, and there has been a good deal of opposition, whipped up so much

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so, I am obliged to answer some of them. Because, whatever might be the fate of my motion regarding this Bill, it must not be said that, here, all that has to be said against the points raised has not been said. So, I hope Sir, and I crave for the indulgence of the House to say a few words regarding some of the salient and relevant points that have been raised. I do not wish to raise controversies that are lying dormant nor do I want to raise fresh ones. I will leave them alone and shall confine myself with certain principal objections that have been raised.

The honourable member Mr. Subba Aiyar raised a very familiar objection. But the practical reformist that he is, he admitted and he did not try to controvert the point, by seeking to justify child marriage. He is too shrewd and too intelligent and too much aware of the circumstances of the world that he did not think as some others thought that it will be good at this time of day to promulgate the proposition that child marriage is a good thing, that it is conducive to the health and prosperity of a community. He conceded that this principle of reform is good as he himself pointed out that he is not averse to the following of such a system. But, he asserted that there should be no legislation regarding this. However beneficial the reform might be it should not be forced by legislation.

Mr. V. Subba Aiyar: I never said that. I have said that I am not against any reform.

Mr. Kottur Kunjukrishna Pillai: Yes, Sir. He is not against any reform. That is enough for my purpose. I do not think that he will contend that he is not against any harmful reform. So my point remains that he is in favour of all beneficial reforms. That is enough for my purpose.

The objection that there should be no legislation concerning the social life or the custom or the religious injunctions applying to certain communities, has been raised at almost at every stage a reform has been sought to be introduced. That is an objection which deserves to be patiently heard and patiently answered. I do not deny that, Sir, unless there is a case made out that there is a proved evil no legislation is justified. I concede that. The question is whether this is not a proved evil, whether legislation has been found necessary elsewhere, whether this question of the right of the individual in matters of religion and social habits to be free from interference has not been considered? It cannot be argued, and I hope it will not be argued, that under no circumstances legislation pertaining to the social or religious aspect of the individual or group of individuals can be permitted. That point will not

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stand the scrutiny of experience even for a moment. Because what do we find in British India itself? Have we not legislation in regard to matters of social and religious usages and customs? What about the Hindu Inheritance Act which has been passed? Can it be said that it is not an inroad into the religious tenets of the people? What about the Civil Marriage Act? Is it not an inroad into the religious custom of the Hindus?

Mr. Kochikal P. Balakrishnan Tampi: What about Sati?

Mr. Kottur Kunjukrishna Pillai: Yes, exactly. The prohibition of Sati, which was considered to be the right of the 'pathivritha' has been carried into effect in British India. There have been cases in which legislation was thought necessary even though individuals and groups on the ground of religion or individual freedom opposed it but public policy and common weal demanded it.

Sir, it was said by my learned friend, Mr. Subba Aiyar, that there is not so much prevalence of child marriage in Travancore, and so this legislation will be an insulting encumbrance in the statute book. He himself controverted that argument and said that if there is not the prevalence of that evil to such a large extent in Travancore, it, *ipso facto* follows or means that there will be no considerable interference with the liberty of the individual. He himself answered that. It is not in the number of cases that the necessity or otherwise of a legislation depends. I ask my learned friend whether he knows that there were only very few cases of Sati at the time when the legislation prohibiting Sati was passed. It was then a very rare thing indeed. But, yet the communal conscience of the reformers was shocked at the suffering of the burning widow and legislation was thought necessary. It was not thought then that it is unnecessary to prohibit it because the practice of Sati was so rare throughout India at that time. The fact is, that in the case of Sati, the utter hideousness of the incident shocked the conscience; in the case of the child marriage and the evils that arise out of it the familiarity of the evil blinds us to its ghastly results. If legislation was justified for preventing Sati there is ample justification for legislation to prevent early maternity both on grounds of humanity and in furtherance of social justice.

Mr. N. Krishna Aiyar: Did sati ever exist in Travancore at any time?

Mr. Kottur Kunjukrishna Pillai: That is not a very relevant point so far as my argument goes, because whether it existed in Travancore or not it did exist in India. It was a custom

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among the Hindus which had the sanction of religion and yet legislation has removed that though the number of cases where sa i took place was very small. Sir, there is one difference indeed between the custom of sati and that of child marriage. With regard to sati, after all, it affected only the individual. It did not affect society. The individual suffered, the individual perished and with that the whole thing ended. There is some compensation for the individual even though she had to suffer a good deal because she was deified after her death and there was at least such a compensation and there was thus less justification for preventing sati than there is in the matter of preventing legislation regarding child marriage. Child marriage, on the other hand, affects society, not merely individuals. Who can say that without legislation they will stop the evil which, due to the unwillingness to change, blind orthodoxy has practised till now. The fact is that child marriages are deleterious to the health of the future generation. That is not a point for assertion on my behalf and denial on the other side. It has to be decided by investigation and that has been done by the Age of Consent Committee. The Age of Consent Committee's Report has gone into the question deeply, taken evidence from all over India, consulted doctors, looked into statistics made available from various hospitals and eminent doctors and they have come to the conclusion with the aid of irrefutable statistics that early marriage is an evil so far as the mortality of the wife is concerned, so far as the degeneration of the health of the women is concerned and so far as infant mortality is concerned. If statistics can be any guide, I shall, if necessary, place all the statistics that is available and prove to the hilt that this is a point which cannot be controverted.

Let us see that the Bill is taken up for consideration and the principle of the same accepted. We will come to amendments or changes with regard to the provisions of the Bill afterwards. We will think over the matter, we will consult each other and listen to all arguments with regard to this matter. But let us come to a decision on this crucial question whether this is an evil or not.

Mr. M. Govindan: Sir, may I know whether the degeneration in the health of the present generation is not due more to evils such as drinking than to the practice of child marriage?

Mr. Kottur Kunjukrishna Pillai: Sir, let me not allow myself to be drawn into irrelevance. Let me not be sidetracked into arguments relating to hygiene or the longevity of life; I am not at that point. I am at this. Does this House seriously consider that child marriage is beneficial for the health of the mother and child? Do you want to controvert the irrefutable evidence drawn up by the patient labour and enquiry of an expert committee,

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drawn up after the result of an enquiry conducted throughout India which says with the aid of statistics, texts and with the aid of sciences like Ayurveda and Allopathy, that the continuance of such a practice is not healthy to the community as a whole, and they have come to that conclusion, taking things as a whole and not taking exceptional cases and pointing out an individual or two.

Mr. V. Subba Aiyar: Is not the report of the Committee made from statistics available all over India?

Mr. Kottur Kunjukrishna Pillai: My honourable friend knows that inferences from statistics ought to be taken not from isolated instances but as a whole if they should be correct. It is enough for my argument to say that as a rule it has been found in a majority of cases and on a comparison of a sufficient number of cases where marriage took place at an early age, the mortality of the child was at a greater percentage and the health condition of the wife was at a lower ebb. If that proposition is granted, my proposition should be granted. I may grant that certain portions of South India, or Cochin or Idapalli may be an exception to the general inference that may be drawn from the statistical results. But we have to consider the question of giving our support to a proposition regarding social reform from a general point of view and if we do that, I do not think that it could be seriously urged that however much light-heartedly we may say, without considering the suffering of the women or the conditions of the women, that child marriage is a good thing, that it does no harm, that the community in which the child marriage is prevalent is healthy and it is for others to adopt the custom of child marriage.

I do not want to refer to the argument of my honourable friend Mr. Krishna Aiyar who dragged in the public service recruitment ratio, the increase of population and all that. For my part, I know too much, I am too conscious of the serious and tragic results arising out of this custom, to indulge in cheap humour or any other kind of remark. This is a serious matter which we have to consider seriously. Sir, it has been said by Mr. Subba Aiyar that in olden days, in the Hindu family, even though the marriage was performed early, the consummation did not take place all at once and that there was a check on the early consummation of the marriage, and that consequently the evils of early maternity did not happen. I concede that for the sake of argument. When the joint family system was in its full strength, when the joint family influenced its members effectively the evils of early marriage and the consequent consummation was not in evidence.

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But can anybody say at this moment that the influence of the joint family system is as strong as it was a decade or two ago on the individuals constituting the joint family ? I do not think that anybody will contend that point.

Mr. V. Subba Aiyar : Which joint family ?

Mr. Kottur Kunjukrishna Pillai : The Hindu joint family. In spite of the comparative orthodoxy of the Hindu joint family and its members, the inroad of individualism has affected it and this cannot be controverted. If we admit that, when the influence of the joint family and the sacredness of religious injunction was strong and had a great influence on individuals, it might be unnecessary perhaps for such a legislation because the moral influence, the influence of society and the influence of the joint family, controlled the actions of the individuals and would have acted as a corrective check, so far as we are concerned, that has now gone. It has disappeared. That fact cannot be denied. So for that very reason, whether such a controlling measure was necessary or not a decade or two ago, it has become absolutely necessary in the interests of those communities at the present moment. Sir, it has been found as a matter of fact that there have been cases in which on account of economic conditions, on account of the poverty of the parents, the girls were compelled to live with their husbands before the normal period of consummation. There have been cases in which the husband, a boy, has been found to go astray, and as a corrective the girl was sent to safeguard the marriage tie. There have been cases in which the girl has been sent for economic reasons because the parents wanted that the child should be maintained by the husband. It is all very well to say that child marriage is according to the Srutis and the Smritis and that it is not for sexual enjoyment but for getting progeny for the benefit of the future generations and to save the soul.

Mr. V. Subba Aiyar : May I know wherefrom the honorable member got all this information ?

Mr. Kottur Kunjukrishna Pillai : I have gathered it from the evidence collected by the Age of Consent Committee. Specific instances have been pointed out there in which consummation became imperative on account of these factors that I have enumerated.

Mr. G. Narayana Aiyar : May I know the number of such cases ?

Mr. Kottur Kunjukrishna Pillai : Considerable enough to warrant legislation. It was thought to be considerable

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enough for British India and they passed a legislation there in spite of the fact that there were greater champions of orthodoxy in British India.

Sir, I think that the controversy of checking population should not be introduced with regard to this matter. That is a very fruitful field for divergence of opinion and alternative suggestions and all the rest of it. I am not concerned just now with the question of population at all. I am here in this Bill concerned more with the health of the women, with the health of the progeny and with the vitality of the nation as a whole.

Mr. G. Narayana Aiyar : May I know from the honourable member whether it would not be sufficient if the age of consummation is fixed?

Mr. Kottur Kunjukrishna Pillai : These are points that have already been raised, Sir. Everybody knows how difficult it is to restrict the period of consummation, how difficult it is to find out cases in which there has been a breaking of the rule regarding consummation. Everybody knows that if we fix a particular age for consummation and if anybody breaks the rule, it cannot be detected, the evasion cannot be proved. It is impracticable. That is merely a roundabout method of torpedoing this legislation. Why should Mr. Narayana Aiyar attempt such a thing? I would prefer the straightforward attack of Mr. Subba Aiyar who said that he did not want this legislation, that he would be satisfied with the reform that is effected by propaganda, by education and by social consciousness. That is an argument that one can understand. Let us not try to get round things which we cannot do straight. There is no use saying consummation can be restricted to a particular age. Nobody is particular to have placed on the statute-book a piece of legislation which is ineffective and which does not bring about the intended reform. All of us can understand things. All of us are living in this world and there is no use in trying to get round by stealthy devices.

I do not wish to add more though very many points have been raised. They have all been raised throughout and they have been answered here and elsewhere by friends who supported the motion. But I wish to mention one fact and that is that this legislation has been passed as we find it as a result of a compromise, as a result of an agreement brought about by yielding certain points in respect of orthodox sentiments and I, for my part, Sir, do not expect that there will be such wholesale opposition to the Bill even after that compromise between the representatives of both points of view.

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But that has been done. Let us not try to smother the Bill. Let us consider the provisions of the Bill one by one and see whether the evils are so great that this Bill should not be placed on the statute book.

Sir, for the uniformity of legislation regarding the communities following the same system of law, this legislation ought to be adopted because after all the life of the communities in which the child marriage is prevalent is not confined to Travancore alone. They have got relations beyond the Ghats. They should not be divided and their homogeneity destroyed by different pieces of legislation. It does not mean that we are merely imitating all legislation in British India. It means that we are working for the homogeneity of the communities following the same system of law. It has been brought forward as an argument in favour of many a legislation and it can be brought with greater justification with regard to this legislation than for many others.

Sir, with these words, I commend the motion for the acceptance of the House. I must say what I have to say regarding the various other points raised as and when the amendments are moved.

Mr. V. Subba Aiyar: Sir,——

President: Order, order. The honourable member has no right of reply.

The motion that the Child Marriage Restraint Bill be taken into consideration was put to vote and declared carried.

On a poll being taken the House divided as follows:

AYES—9.

1. Mrs. Abernam Gnanasikhamony	5. Mr. T. W. U. Park
2. Mr. Kochikal P. Balakrishnan Tampi	6. ,, James Fletcher
3. ,, P. R. Godavarma Raja	7. ,, K. M. Kesavan
4. ,, M. Govindan	8. ,, Kottur Kunjukrishna Pillai
	9. ,, K. K. Kuruvilla

NOES 12.

1. Mr. M. K. Ananthasiva Aiyar	7. Mr. G. Narayana Aiyar
2. ,, V. S. Arumukham Pillai	8. ,, Kallur Narayana Pillai
3. ,, T. K. Kittan	9. ,, V. Sankara Menon
4. ,, N. Krishna Iyer	10. ,, Thomas Chandy Mukkadan
5. ,, T. Krishna Pillai	11. Miss Thressia Kora
6. ,, E. K. Kuriyppe	12. Mr. V. Subba Aiyar

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NEUTRALS—14.

1. Sahib Bahadur Haji Hassan Yacoob Sait	8. Mr. K. Sankaran
2. ,, Abdul Tayeb Shaikh Kaderbhoy	9. ,, P. G. Narayanan Unnithan
3. ,, T. Mahomed Ismail	10. ,, Puthupalli S. Krishna Pillai
4 Mr. P. I. Simon	11. ,, V. R. Sankaranarayana Pillai
5. Sahib Bahadur M. Sultan Muhiadheen	12. ,, M. S. Doraswami Aiyangar
6. Mr. M. K. Nilakanta Aiyar	13. ,, K. R. Narayana Aiyar
7. ,, M. Govinda Pillai	14. ,, M. Ramachandra Rao

The motion was declared lost, 9 voting for, 12 voting against and 14 remaining neutral.

THE TRAVANCORE HINDU GAINS OF LEARNING BILL.

Mr. G. Narayana Aiyar: Sir, I beg to introduce the Travancore Hindu Gains of Learning Bill. The object of the Bill is given in the statement of objects and reasons. Under the principles of Hindu Law as administered by our courts, the earnings of any member of a Hindu coparcenary acquired with the help of the nucleus of joint family property, even though it is very small, will have to be divided with the other members of the family.

That system has been found to be not in consonance with the altered and changing sentiments of the Hindu community. The law in British India in this respect has been amended and the existing doubts have been removed by the passing of the Gains of Learning Act XXX of 1930. Our High Court probably want a legislation of this kind so that their decisions could be in accord with the changing sentiments of the Hindu community. There have been persistent attempts to see that acquisitions of property are held in tact by the 'acquirer' as defined in the enactment in British India. On account of the intimate relationship of the Hindus of the State with their brethren in British India, it is very necessary to have a similar legislation in our State removing all the existing difficulties. By adopting the proposed Bill, the position of the female members of the Hindu family would be improved thereby. I hope the Bill will be accepted by the House.

Mr. Kochikal P. Balakrishnan Tampi: I second it.

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SECRETARY : The title of the Bill should be "THE TRAVANCORE HINDU GAINS OF LEARNING BILL."

Mr. G. Narayana Aiyar : I now move that the Bill be referred to a Select Committee composed of the following members :—

Messrs :

Kottur Kunjukrishna Pillai,
James Fletcher,
V. Sankara Menon,
Kallur Narayana Pillai,
P. R. Godavarma Raja,
N. Krishna Aiyar,
K. M. Kesavan,
M. Govindan,
T. Mahomed Ismail,
M. K. Ananthasiva Aiyar,
T. Krishna Pillai,
P. I. Simon,
Kochikal P. Balakrishnan Tampi,
myself and the Legal Remembrancer,

and the report to be submitted within four months.

The motion was put and carried.

RESOLUTIONS.

Mr. G. Narayana Aiyar: Sir, I move the following resolution :

"This Council recommends to Government that the Travancore currency be so modified and adjusted as to prevent loss during the process of conversion and exchange to British Indian coins."

The loss incurred by such conversion is great and it affects Travancoreans heavily. The loss sustained by people here could no longer be ignored by Government. An anna is equivalent to 1 Ch. 12½ cash. There is no half cash available as a coin. In actual conversion, there is terrible loss incurred and both the rich as well as the poorest of the poor are hard hit in the matter of exchange. Then, the customs duty in Travancore is realised in British Indian currency and not in Travancore currency. There also, a lot of difficulty and loss is occasioned in conversion. Something like an amount of Rs. 1,200 or so is received yearly by this Government as *priyavasi* as could be seen from the Administration Report of the Excise Department, on account of payment in Travancore coinage. According to strict calculation one anna is equivalent to 28½ cash. We have no half cash as currency. So in cases where we have to pay one anna we have to pay more in Travancore coins. In the Post Offices, in the Railway stations and in the customs houses we are forced to pay more than what is legally due. Though the anna is not a Travancore coin it is current here and the same has to be accepted in all business transactions.

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